1	S.184
2	Introduced by Senators Gulick, Chittenden and Hashim
3	Referred to Committee on Transportation
4	Date: January 3, 2024
5	Subject: Motor vehicles; traffic enforcement; traffic violations; moving
6	violations; automated law enforcement; traffic cameras; automated
7	license plate recognition systems; automated traffic law enforcement
8	systems
9	Statement of purpose of bill as introduced: This bill proposes to authorize
10	automated law enforcement in work zones; at locations with an increased
11	incidence of crashes or speeding, or both; and at intersections with traffic
12	control signals through the use of automated traffic law enforcement (ATLE)
13	systems that utilize radar and cameras and, in some instances, automated
14	license plate recognition (ALPR) systems for the enforcement of monetary
15	civil penalty only speeding violations and red-light violations against the
16	registered owner of the violating motor vehicle.
17 18	Am not relating to the use of automated traffic law enforcement (ATLE) systems
	An act relating to the temporary use of automated traffic law enforcement

(ATLE) systems

1	It is hereby enacted by the General Assembly of the State of Vermont:
2	Sec. 1. 22 V.S. A. chapter 15 is amended to read:
3	CHAPTER 15. POWERS OF ENFORCEMENT OFFICERS
4	Subchapter 1. General Provisions
5	§ 1600. DENNITION
6	Notwithstanding subdivision 4(4) of this title, as used in this chapter,
7	"Commissioner" means the Commissioner of Public Safety.
8	* * *
9	Subchapter 2. Automated Law Enforcement
10	§ 1605. DEFINITIONS
11	As used in this subchapter:
12	(1) "Active data" is distinct from historical data as defined in
13	subdivision (5) of this section and means data uploaded to individual
14	automated license plate recognition system units before operation as well as
15	data gathered during the operation of an ALPR system. Any data collected by
16	an ALPR system in accordance with section 1607 of this subchapter shall be
17	considered collected for a legitimate law enforcement purpose.
18	(2) "Agency" or "law enforcement agency" means an entity of State
19	government authorized under Vermont law to issue a Vermont civil violation

compiaint for a violation of State motor vehicle laws or rules that employs at

1	least one law enforcement officer certified in AIDD or ATLE operation by the
2	Ver nont Criminal Justice Council.
3	(3) "Automated license plate recognition system" or "ALPR system"
4	means a system of one or more mobile or fixed high-speed cameras combined
5	with computer algorithms to convert images of registration number plates into
6	computer-readable Vata.
7	(4) "Automated raffic law enforcement system" or "ATLE system"
8	means a device with one or more sensors working in conjunction with a speed
9	measuring device to produce re-orded images of the rear registration number
10	plates of motor vehicles traveling a more than 10 miles above the speed limit
11	or going through a steady red signal in violation of section 1022 of this title.
12	(5) "Historical data" means any data collected by an ALPR system and
13	stored on the statewide automated law enforcement server operated by the
14	Vermont Justice Information Sharing System of the Department of Public
15	Safety. Any data collected by an ALPR system in accordance with section
16	1607 of this subchapter shall be considered collected for a legitimate law
17	enforcement purpose.
18	(6) "Law enforcement officer" means a State Police officer, nunicipal
19	police officer, motor vehicle inspector, Capitol Police officer, constable
20	sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council s

a Level II of Level III faw emorcement officer under 20 v.S.A. § 2558.

1	(7) "I agitimate law enforcement purpose" applies to access to active or
2	historical data and means investigation, detection, analysis, or enforcement of
3	a crime or of a commercial motor vehicle violation or a person's defense
4	against a charge of a crime or commercial motor vehicle violation, or
5	operation of AMBER alerts or missing or endangered person searches.
6	(8) "Owner" means the registered owner of a motor vehicle or a lessee
7	of a motor vehicle under a lease of one year or more.
8	(9) "Recorded image" means a photograph, microphotograph, electronic
9	image, or electronic video that shows, clearly enough to identify, the rear
10	registration number plate of a motor vehicle that has activated the radar
11	component of an ATLE system by traveling past the ATLE system at more
12	than 10 miles above the speed limit or by going through a steady red signal in
13	violation of section 1022 of this title.
14	(10) "Vermont Intelligence Center analyst" means any sworn or civilian
15	employee who through employment with the Vermont Intelligence Center
16	(VIC) has access to secure storage systems that support law enforcement
17	investigations.
18	§ 1606. AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS;
19	SPEEDING; RED-LIGHT VIOLATIONS
20	(a) Use. Deployment of ATLE systems by Vermont law enforcement
21	agencies is intended to provide automated law emorcement for speeding and

1	rad light violations in instances of insufficient staffing or inherent on site
2	difficulties in such a way so as to improve work crew safety and reduce traffic
3	crashes resulting from an increased adherence to traffic laws achieved by
4	effective deterrence of potential violators, which could not be achieved by
5	traditional law enforcement methods. Deployment of ATLE systems by
6	Vermont law enforcement agencies is not intended to replace traditional law
7	enforcement personnel, for is it intended to mitigate problems caused by
8	deficient road design, construction, or maintenance.
9	(b) Operation. A Vermont law enforcement officer shall be certified in
10	ATLE operation by the Vermont Criminal Justice Council in order to operate
11	an ATLE system.
12	(c) Locations. An automated traffic law exforcement system may only be
13	utilized:
14	(1) at a location in the vicinity of a work zone and if the agency with
15	jurisdiction over the location determines, in its sole discretion, that it may be
16	impractical or unsafe to utilize traditional law enforcement methods or that the
17	use of traditional law enforcement personnel has failed to deter violators,
18	provided that:

(A) the agency confirms, through a traffic engineering analysis of the

proposed location, that the location meets ingitway safety standards,

19

1	(P) the ATLE system is not used as a means of compating
2	denciencies in roadway design or environment;
3	(C) at least two signs notifying members of the traveling public of
4	the use of an ATLE system are in place before any recorded images or other
5	data is collected by the ATLE system;
6	(D) there is a sign at the end of the work zone;
7	(E) the ATLE system is only in operation when workers are present
8	in the work zone and at least one of the signs required under subdivision (C) of
9	this subdivision (1) indicates whether the ATLE system is currently in
10	operation; and
11	(F) there is notice of the use of the ATLE system on the agency's
12	website, including the location and typical yours when workers are present and
13	the ATLE system is in operation;
14	(2) at additional locations with a high incidence of crashes or speeding,
15	or both, if the agency with jurisdiction over the location determines, in its sole
16	discretion, that it may be impractical or unsafe to utilize traditional law
17	enforcement methods or that the use of traditional law enforcement personnel
18	has failed to deter violators, provided that:
19	(A) the Agency of Transportation confirms, through a traffic
20	engineering analysis of the proposed location, that the location meets highway
21	safety standards,

1	(P) the ATIE existence not used as a means of competing
2	deficiencies in roadway design or environment;
3	(C) at least two signs notifying members of the traveling public of
4	the use of an ATLE system are in place before any recorded images or other
5	data is collected by the ATLE system; and
6	(D) there is notice of the use of the ATLE system, including its
7	location, on the Department of Public Safety's and the Agency of
8	Transportation's websites and, as applicable, the municipality with jurisdiction
9	over the location's website; and
10	(3) any intersections controlled by a traffic-control signal, provided that:
11	(A) at least two signs notifying members of the traveling public of
12	the use of an ATLE system are in place before any recorded images or other
13	data is collected by the ATLE system; and
14	(B) there is notice of the use of the ATLE system, including its
15	location, on the Department of Public Safety's and the Agency of
16	Transportation's websites and, as applicable, the municipality with jurisdiction
17	over the location's website.
18	(d) Daily log.
19	(1) The law enforcement agency that deploys an ATLE system in
20	accordance with this section must maintain a daily log for each deployed
21	ATLE system that includes.

1	(A) the data time and location of the ATLE system setup, and
1	
2	(B) the name of the law enforcement officer that performed any self-
3	tests required by the ATLE system manufacturer and the results of those self-
4	tests.
5	(2) The caily log shall be retained in perpetuity and admissible in any
6	proceeding for a violation involving ATLE systems deployed by the law
7	enforcement agency.
8	(e) Annual calibration. All ATLE systems shall undergo an annual
9	calibration check performed by a calibration laboratory. The calibration
10	laboratory shall issue a signed certificate of calibration after the annual
11	calibration check, which shall be retained in perpetuity and admissible in any
12	proceeding for a violation involving the ATLE system.
13	(f) Penalty.
14	(1) The owner of the motor vehicle bearing the rear registration number
15	plate captured in a recorded image shall be liable for one of the following civil
16	penalties unless, for the violation in question, the owner is convicted of
17	exceeding the speed limit under chapter 13 of this title, going through a red
18	light in violation of section 1022 of this title, or has a defense under subsection
19	(h) of this section:
20	(A) \$0.00, which shall be exempt from surcharges under 13 V.S.A

§ 7282(a), and a written warning for a first violation within 12 months,

1	(B) for a second violation within 12 months:
2	(i) \$2.00 per mile per hour over the posted speed limit if the
3	vehicle is going 11–20 miles per hour over the posted speed limit in a non-
4	work zone;
5	(ii) \$4.00 per mile per hour over the posted speed limit if the
6	vehicle is going 11-20 miles per hour over the posted speed limit in a work
7	zone;
8	(iii) \$2.50 per taile per hour over the posted speed limit if the
9	vehicle is going 21-30 miles per hour over the posted speed limit in a non-
10	work zone;
11	(iv) \$5.00 per mile per hour over the posted speed limit if the
12	vehicle is going 21–30 miles per hour over the posted speed limit in a work
13	zone;
14	(v) \$4.00 per mile per hour over the posted speed limit if the
15	vehicle is going 31 or more miles per hour over the posted speed limit in a
16	non-work zone;
17	(vi) \$8.00 per mile per hour over the posted speed limit if the
18	vehicle is going 31 or more miles per hour over the posted speed libit in a
19	work zone; and
20	(vii) \$75.00 for going through a red light in violation of section
21	1022 of this title, and

1	(C) for a third or subsequent violation within 12 months.
2	(i) \$4.00 per mile per hour over the posted speed limit if the
3	vehicle is going 11–20 miles per hour over the posted speed limit in a non-
4	work zone;
5	(ii) \$8.00 per mile per hour over the posted speed limit if the
6	vehicle is going 11-20 miles per hour over the posted speed limit in a work
7	zone;
8	(iii) \$5.00 per mile per hour over the posted speed limit if the
9	vehicle is going 21-30 miles per hour over the posted speed limit in a non-
10	work zone;
11	(iv) \$10.00 per mile per hour over the posted speed limit if the
12	vehicle is going 21-30 miles per hour over the posted speed limit in a work
13	zone;
14	(v) \$8.00 per mile per hour over the ported speed limit if the
15	vehicle is going 31 or more miles per hour over the posted speed limit in a
16	non-work zone;
17	(vi) \$16.00 per mile per hour over the posted speed limit if the
18	vehicle is going 31 or more miles per hour over the posted speed limit in a
19	work zone; and
20	(vii) \$150.00 for going through a red light in violation of section
21	1022 of this title.

1	(2) The owner of the motor vehicle bearing the rear registration number
2	plate captured in a recorded image shall not be deemed to have committed a
3	crime or moving violation unless otherwise convicted under another section of
4	this title, and a violation of this section shall not be made a part of the
5	operating record of the owner or considered for insurance purposes.
6	(g) Notice and complaint.
7	(1) An action to inforce this section shall be initiated by issuing a
8	Vermont civil violation complaint to the owner of a motor vehicle bearing the
9	rear registration number plate optured in a recorded image and mailing the
10	Vermont civil violation complaint to the owner by U.S. mail.
11	(2) The civil violation complaint shall:
12	(A) be based on an inspection of recorded images and data produced
13	by one or more ATLE systems or one or more ATLE and ALPR systems;
14	(B) be issued, sworn, and affirmed by the law enforcement officer
15	that inspected the recorded images and data;
16	(C) enclose copies of applicable recorded images and at least one
17	recorded image showing the rear registration number plate of the motor
18	vehicle;
19	(D) include the date, time, and place of the violation;
20	(E) include the applicable civil penalty amount and the dates, times,
21	and places for any prior violations from the prior 12 months,

	(1) include the weiver nenelty for the violetion in question when i
Variation	nt civil violation complaint is issued without the use of an ATLE sys
vermor	nt civil violation complaint is issued without the use of an ATLE sys
and inc	hde a clear explanation that had the complaint been issued without
use of a	an ATLE system the waiver penalty would have been the greater
<u>amount</u>	t; and
	(G) include vritten verification that the ATLE system was operation
correct	ly at the time of the violation and the date of the most recent inspect
<u>correct</u>	is at the time of the violation and the date of the most recent inspect
that con	nfirms the ATLE system to be operating properly.
<u>(</u> .	3) In the case of a violation involving a motor vehicle registered und
41 1	
tne law	s of this State, the civil violation complaint shall be mailed within
30 days	s after the violation to the address of the owner as listed in the record
of the I	Department of Motor Vehicles.
<u>(</u> 4	4) In the case of a violation involving a motor vehicle registered un
the law	s of a jurisdiction other than this State, the notice of violation shall be
mailed	within 30 days after the discovery of the identity of the owner to the
manea	within 50 days after the discovery of the identity of the owner to the
address	s of the owner as listed in the records of the official in the jurisdiction
having	charge of the registration of the motor vehicle and shall be invalid
unless 1	provided to the owner within 90 days after the violation.
	5) The civil violation and complaint shall include the following tex

2024 Page 13 of 42

1	
2	by an agent duly authorized in writing within 30 days after issuance. A
3	hearing may be obtained upon the written request of the registered owner.
4	(h) Defenses. The following shall be defenses to a violation under this
5	section:
6	(1) that the vehicle was reported to an agency as stolen prior to the time
7	the violation occurred and was not recovered prior to the time the violation
8	occurred;
9	(2) that the individual receiving the notice of violation was no longer
10	the owner at the time of the violation, and
11	(3) that a component of the ATLE system was not properly calibrated or
12	tested at the time of the violation.
13	(i) Contest or payment.
14	(1) Contest. Notwithstanding 4 V.S.A. chapter 29, an owner may,
15	within 30 days after the issuance of the Vermont civil violation complaint,
16	request a hearing in writing on the prescribed form returned to the Vermont
17	Judicial Bureau. Upon receipt, the Bureau shall schedule a hearing and
18	hearings shall be held pursuant to 4 V.S.A. § 1106 and appealable pursuant to
19	4 V.S.A. § 1107.
20	(2) Admission.

1	(A) Notwithstanding AVS A shapter 20 failure to request a hearing
2	purpuant to subdivision (1) of this subsection (i) shall be deemed an admission
3	of responsibility for the violation and, if there is a civil penalty provided in the
4	Vermont civil violation complaint, payment shall be made personally, through
5	an authorized agent, electronically, or by U.S. mail to the Vermont Judicial
6	Bureau within 90 days after the issuance of the Vermont civil violation
7	complaint.
8	(B) Payment of the civil penalty shall operate as a final disposition of
9	the case.
10	(C) If payment is not received by the Vermont Judicial Bureau within
11	90 days after the issuance of the Vermort civil violation complaint, the
12	payment shall be treated as if owed under 4 V.S.A. § 1109 and the Vermont
13	Judicial Bureau may turn the matter over to a designated collection agency.
14	(j) Retention.
15	(1) All recorded images shall be sent to the Department of Public Safety
16	to be retained pursuant to the requirements of subdivision (2) of this
17	subsection. The Department of Public Safety shall maintain the automated
18	traffic law enforcement storage system for Vermont law enforcement agencies.
19	(2) A recorded image shall only be retained for 12 months after the date
20	it was obtained or until the resolution of the applicable violation and the appear
21	period if the violation is contested. When the retention period has expired, the

1	Department of Dublic Safety and any law enforcement agency with custody of
2	the ecorded image shall destroy it and cause to have destroyed any copies or
3	backups made of the original recorded image.
4	(k) Review process and annual report.
5	(1) The Department of Public Safety, in consultation with the Agency of
6	Transportation, shall establish a review process to ensure that recorded images
7	are used only for the purposes permitted by this section. The Department of
8	Public Safety shall report the results of this review annually on or before
9	January 15 to the Senate and House Committees on Judiciary and on
10	Transportation. The report shall contain the following information based on
11	prior calendar year data:
12	(A) the total number of ATLE system units being operated by law
13	enforcement agencies in the State;
14	(B) the total number of law enforcement officers certified in ATLE
15	operation;
16	(C) all of the locations where an ATLE system was deployed along
17	with the dates and hours that the ATLE system was in operation;
18	(D) the number of violations issued based on recorded images and
19	the outcomes of those violations by category, including first, second, and third
20	and subsequent violations and contested violations,

1	(F) the number of recorded images each agency submitted to the
2	automated traffic law enforcement storage system;
3	(F) the total amount paid in civil penalties; and
4	(O) any recommended changes for the use of ATLE systems in
5	<u>Vermont.</u>
6	(2) Notwiths anding 2 V.S.A. § 20(d), the annual report required under
7	this section shall continue to be required if an ATLE system is deployed in the
8	State unless the General As embly takes specific action to repeal the report
9	requirement.
10	(1) Limitations.
11	(1) ATLE systems shall only record violations of this section and shall
12	not be used for any other surveillance purposes.
13	(2) Recorded images shall only be accessed to determine if a violation
14	of this section was committed in the prior 12 months.
15	(3)(A) Recorded images are exempt from public inspection and copying
16	under the Public Records Act
17	(B) Notwithstanding 1 V.S.A. § 317(e), the Public Records Act
18	exemption created in subdivision (A) of this subdivision (1)(3) shall continue
19	in effect and shall not be repealed through operation of 1 V.S.A. § 317().
20	(m) Rulemaking. The Department of Public Safety may adopt rules
21	pursuant to 3 v.S.A. chapter 25 to implement this section.

2 (a) Definitions. As used in this section: 3 (a) "Active data" is distinct from historical data as defined in 4 subdivision(3) of this subsection and means data uploaded to individual 5 automated license plate recognition system units before operation as well as 6 data gathered during the operation of an ALPR system. Any data collected by 7 an ALPR system in accordance with this section shall be considered collected 8 for a legitimate law enforcement purpose. 9 (2) "Automated license plate recognition system" or "ALPR system" 10 means a system of one or more movile or fixed high-speed cameras combined 11 with computer algorithms to convert images of registration plates into 12 computer-readable data. 13 (3) "Historical data" means any data collected by an ALPR system and 14 stored on the statewide ALPR server operated by the Vermont Justice 15 Information Sharing System of the Department of Public Safety. Any data 16 collected by an ALPR system in accordance with this section shall be 17 considered collected for a legitimate law enforcement purpose. 18 (4) "Law enforcement officer" means a State Police officer, nunicipal 19 police officer, motor vehicle inspector, Capitol Police officer, constable 20 sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council is	1	X 1617 ATTIVITY AT EAST OF A TE DEPAY SKITTING COCTEME
subdivision (3) of this subsection and means data uploaded to individual automated license plate recognition system units before operation as well as data gathered during the operation of an ALPR system. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate-law-enforcement purpose. (2) "Automated license plate recognition system" or "ALPR system" means a system of one or more movide or fixed high-speed cameras combined with computer algorithms to convert integes of registration plates into computer readable data. (3) "Historical data" means any data collected by an ALPR system and stored on the statewide ALPR server operated by the Vermont Justice Information Sharing System of the Department of Public Safety. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose: (4) "Law enforcement officer" means a State Police officer, founicipal police officer, motor vehicle inspector, Capitol Police officer, constable sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council is	2	(1) Definitions. As used in this section:
automated licence plate recognition system units before operation as well as data gathered during the operation of an ALPR system. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose. (2) "Automated license plate recognition system" or "ALPR system" means a system of one or more movile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer readable data. (3) "Historical data" means any data collected by an ALPR system and stored on the statewide ALPR server operated by the Vermont Justice Information Sharing System of the Department of Public Safety. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose. (4) "Law enforcement officer" means a State Police officer, rounicipal police officer, motor vehicle inspector, Capitol Police officer, constable sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council as	3	(1) "Active data" is distinct from historical data as defined in
data gathered during the operation of an ALPR system. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose. (2) "Automated license plate recognition system" or "ALPR system" means a system of one or more modile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data. (3) "Historical data" means any data collected by an ALPR system and stored on the statewide ALPR server operated by the Vermont Justice Information Sharing System of the Department of Pubric Safety. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose. (4) "Law enforcement officer" means a State Police officer, reunicipal police officer, motor vehicle inspector, Capitol Police officer, constable sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council's	4	subdivision (3) of this subsection and means data uploaded to individual
an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose. (2) "Automated license plate recognition system" or "ALPR system" means a system of one or more modile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer readable data. (3) "Historical data" means any data collected by an ALPR system and stored on the statewide ALPR server operated by the Vermont Justice Information Sharing System of the Department of Public Safety. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose. (4) "Law enforcement officer" means a State Police officer, nunicipal police officer, motor vehicle inspector, Capitol Police officer, constable sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council's	5	automated license plate recognition system units before operation as well as
for a legitimate law enforcement purpose. (2) "Automated license plate recognition system" or "ALPR system" means a system of one or more modile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data. (3) "Historical data" means any data collected by an ALPR system and stored on the statewide ALPR server operated by the Vermont Justice Information Sharing System of the Department of Public Safety. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose. (4) "Law enforcement officer" means a State Police officer, hunicipal police officer, motor vehicle inspector, Capitol Police officer, constable sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council's	6	data gathered during the operation of an ALPR system. Any data collected by
9 (2) "Automated license plate recognition system" or "ALPR system" 10 means a system of one or more mobile or fixed high-speed cameras combined 11 with computer algorithms to convert images of registration plates into 12 computer readable data. 13 (3) "Historical data" means any data collected by an ALPR system and 14 stored on the statewide ALPR server operated by the Vermont Justice 15 Information Sharing System of the Department of Public Safety. Any data 16 collected by an ALPR system in accordance with this section shall be 17 considered collected for a legitimate law enforcement purpose. 18 (4) "Law enforcement officer" means a State Police officer, nunicipal 19 police officer, motor vehicle inspector, Capitol Police officer, constable, 20 sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council vs	7	an ALPR system in accordance with this section shall be considered collected
means a system of one or more motile or fixed high-speed cameras combined with computer algorithms to convert in ages of registration plates into computer-readable data. (3) "Historical data" means any data collected by an ALPR system and stored on the statewide ALPR server operated by the Vermont Justice Information Sharing System of the Department of Public Safety. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose. (4) "Law enforcement officer" means a State Police officer, nunicipal police officer, motor vehicle inspector, Capitol Police officer, constable, sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council is	8	for a legitimate law enforcement purpose.
with computer algorithms to convert images of registration plates into computer-readable data. (3) "Historical data" means any data collected by an ALPR system and stored on the statewide ALPR server operated by the Vermont Justice Information Sharing System of the Department of Public Safety. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose. (4) "Law enforcement officer" means a State Police officer, nunicipal police officer, motor vehicle inspector, Capitol Police officer, constable, sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council is	9	(2) "Automated license plate recognition system" or "ALPR system"
computer-readable data. (3) "Historical data" means any data collected by an ALPR system and stored on the statewide ALPR server operated by the Vermont Justice Information Sharing System of the Department of Public Safety. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose. (4) "Law enforcement officer" means a State Police officer, nunicipal police officer, motor vehicle inspector, Capitol Police officer, constable sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council vs	10	means a system of one or more motile or fixed high-speed cameras combined
(3) "Historical data" means any data collected by an ALPR system and stored on the statewide ALPR server operated by the Vermont Justice Information Sharing System of the Department of Public Safety. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose. (4) "Law enforcement officer" means a State Police officer, nunicipal police officer, motor vehicle inspector, Capitol Police officer, constable, sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council is	11	with computer algorithms to convert in ages of registration plates into
stored on the statewide ALPR server operated by the Vermont Justice Information Sharing System of the Department of Public Safety. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose. (4) "Law enforcement officer" means a State Police officer, nunicipal police officer, motor vehicle inspector, Capitol Police officer, constable, sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council is	12	computer-readable data.
Information Sharing System of the Department of Public Safety. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose. (4) "Law enforcement officer" means a State Police officer, nunicipal police officer, motor vehicle inspector, Capitol Police officer, constable, sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council as	13	(3) "Historical data" means any data collected by an ALPR system and
collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose. (4) "Law enforcement officer" means a State Police officer, nunicipal police officer, motor vehicle inspector, Capitol Police officer, constable, sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council is	14	stored on the statewide ALPR server operated by the Vermont Justice
17 considered collected for a legitimate law enforcement purpose. 18 (4) "Law enforcement officer" means a State Police officer, hunicipal 19 police officer, motor vehicle inspector, Capitol Police officer, constable, 20 sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council as	15	Information Sharing System of the Department of Public Safety. Any data
 (4) "Law enforcement officer" means a State Police officer, hunicipal police officer, motor vehicle inspector, Capitol Police officer, constable, sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council as 	16	collected by an ALPR system in accordance with this section shall be
police officer, motor vehicle inspector, Capitol Police officer, constable, sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council is	17	considered collected for a legitimate law enforcement purpose.
sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council is	18	(4) "Law enforcement officer" means a State Police officer, nunicipal
	19	police officer, motor vehicle inspector, Capitol Police officer, constable,
	20	sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council s
	21	a level II or level III law embreement officer under 20 v.S.A. § 2338.

(5) "I agitimate law enforcement purpose" applies to access to active or
historical data, and means investigation, detection, analysis, or enforcement of
a crime or of a commercial motor vehicle violation or a person's defense
against a charge of a crime or commercial motor vehicle violation, or
operation of AMBER alerts or missing or endangered person searches.
(6) "Vermon Intelligence Center analyst" means any sworn or civilian
employee who through his or her employment with the Vermont Intelligence
Center (VIC) has access to ecure databases that support law enforcement
investigations.
(b) Operation. A Vermont law inforcement officer shall be certified in
ALPR operation by the Vermont Crimical Justice Council in order to operate
an ALPR system.
(c)(b) ALPR use and data access; confidentiality.
(1)(A) Deployment of ALPR equipment by Vermont law enforcement
agencies is intended to provide access to law enforcement reports of wanted or
stolen vehicles and wanted persons and to further other legitimate law
enforcement purposes. Use of ALPR systems by law enforcement officers and
access to active data are restricted to legitimate law enforcement purposes.
(B) Active data may be accessed by a law enforcement officer
operating the ALPR system only if he or she the law enforcement officer has a

legitimate law emorcement purpose for the data. Entry of any data into the

CV	stom other than data collecte	d by the AI	DD cyctem	itealf must be approx	rod.
		,	J	11	
by	supervisor and shall have	a legitimate	law enforc	ement purpose.	

- (C)(i) Requests to access active data shall be in writing and include the name of the requester, the law enforcement agency the requester is employed by, it any, and the law enforcement agency's Originating Agency Identifier (ORI) number. To be approved, the request must provide specific and articulable facts showing that there are reasonable grounds to believe that the data are relevant and material to an ongoing criminal, missing person, or commercial motor vehicle investigation or enforcement action. The written request and the outcome of the request shall be transmitted to VIC and retained by VIC for not less than three years.
- (ii) In each department operating an ALPR system, access to active data shall be limited to designated personnel who have been provided account access by the department to conduct authorized ALPR stored data queries. Access to active data shall be restricted to data collected within the past seven days.
- (2)(A) A VIC analyst shall transmit historical data only to a Vermont or out-of-state law enforcement officer or person who has a legitimate law enforcement purpose for the data. A law enforcement officer or other person to whom historical data are transmitted may use such data only for a legitimate law enforcement purpose. Entry of any data onto the statewide AEFR server

automated traffic law enforcement storage system other than data collected by
,
an LPR system itself must be approved by a supervisor and shall have a
legitimate law enforcement purpose.

- (B) Requests for historical data within six months of <u>after</u> the date of the data's creation, whether from Vermont or out-of-state law enforcement officers or other persons, shall be made in writing to a VIC analyst. The request shall include the name of the requester, the law enforcement agency the requester is employed by, if any, and the law enforcement agency's ORI number. To be approved, the request must provide specific and articulable facts showing that there are reasonable grounds to believe that the data are relevant and material to an ongoing crimical, missing person, or commercial motor vehicle investigation or enforcement action. VIC shall retain all requests and shall record in writing the outcome of the request and any information that was provided to the requester or, if applicable, why a request was denied or not fulfilled. VIC shall retain the information described in this subdivision (e)(2)(B) (b)(2)(B) for no not fewer than three years.
- (C) After six months from the date of its creation, VIC may only disclose historical data:
- (i) pursuant to a warrant if the data are not sought in connection with a pending criminal charge, or

1	(ii) to the prosecution or the defence in connection with a pending
2	critinal charge and pursuant to a court order issued upon a finding that the
3	data are reasonably likely to be relevant to the criminal matter.
4	(3) Active data and historical data shall not be subject to subpoena or
5	discovery, or be admissible in evidence, in any private civil action.
6	(4) Notwiths anding any contrary provisions of subdivision (2) of this
7	subsection, in connection with commercial motor vehicle screening,
8	inspection, and compliance activities to enforce the Federal Motor Carrier
9	Safety Regulations, the Department of Motor Vehicles (DMV):
10	(A) may maintain or designate a server for the storage of historical
11	data that is separate from the statewide erver automated traffic law
12	enforcement storage system;
13	(B) may designate a DMV employee to carry out the same
14	responsibilities as a VIC analyst and a supervisor as specified in subdivision
15	(2) of this subsection (b); and
16	(C) shall have the same duties as the VIC with respect to the
17	retention of requests for historical data.
18	(d)(c) Retention.
19	(1) Any ALPR information gathered by a Vermont law enforcement
20	agency shall be sent to the Department of Public Safety to be retained pursuant
21	to the requirements of subdivision (2) of this subsection. The Department of

Public Safety shall maintain the ALPR automated traffic law enforcement storage system for Vermont law enforcement agencies.

(2) Except as provided in this subsection and section 1608 of this title, information gathered by a law enforcement officer through use of an ALPR system shall only be retained for 18 months after the date it was obtained. When the permittee 18-month period for retention of the information has expired, the Department of Public Safety and any local law enforcement agency with custody of the information shall destroy it and cause to have destroyed any copies or backup, made of the original data. Data may be retained beyond the 18-month period pursuant to a preservation request made or disclosure order issued under section 1608 of this title or pursuant to a warrant issued under Rule 41 of the Vermont or Federal Rules of Criminal Procedure.

(e)(d) Oversight; rulemaking.

(1) The Department of Public Safety, in consultation with the Department of Motor Vehicles, shall establish a review process to ensure that information obtained through use of ALPR systems is used only for the purposes permitted by this section. The Department of Public Safety shall report the results of this review annually on or before January 15 to the Senate and House Committees on Judiciary and on Transportation. The report shall contain the following information based on prior calendar year data.

1	(A) the total number of AIDD units being approted by government
2	agercies in the State, the number of such units that are stationary, and the
3	number of units submitting data to the statewide ALPR database automated
4	traffic law enforcement storage system;
5	(B) the number of ALPR readings each agency submitted, and the
6	total number of all such readings submitted, to the statewide ALPR database
7	automated traffic law enforcement storage system;
8	(C) the 18-month cumulative number of ALPR readings being
9	housed on the statewide ALPR detabase automated traffic law enforcement
10	storage system as of the end of the calendar year;
11	(D) the total number of requests made to VIC for historical data, the
12	average age of the data requested, and the number of these requests that
13	resulted in release of information from the statewide ALPR database
14	automated traffic law enforcement storage system;
15	(E) the total number of out-of-state requests to WC for historical
16	data, the average age of the data requested, and the number of out-of-state
17	requests that resulted in release of information from the statewide ALPR
18	database automated traffic law enforcement storage system;
19	(F) the total number of alerts generated on ALPR systems operated
20	by law enforcement officers in the State by a match between an ALFR reading

Page 24 of 42

1	and a plate number on an alert database storage system and the number of
2	these alerts that resulted in an enforcement action;
3	(G) the total number of criminal, missing person, and commercial
4	motor vehicle investigations and enforcement actions to which active data
5	contributed, and a summary of the nature of these investigations and
6	enforcement actions:
7	(H) the total number of criminal, missing person, and commercial
8	motor vehicle investigation, and enforcement actions to which historical data
9	contributed, and a summary of the nature of these investigations and
10	enforcement actions; and
11	(I) the total annualized fixed and variable costs associated with all
12	ALPR systems used by Vermont law enforcement agencies and an estimate of
13	the total of such costs per unit.
14	(2) Before January 1, 2018, the The Department of Public Safety shall
15	may adopt rules to implement this section.
16	§ 1608. PRESERVATION OF DATA
17	(a) Preservation request.
18	(1) A law enforcement agency or the Department of Motor Vehicles or
19	other person with a legitimate law enforcement purpose may apply to the
20	Criminal Division of the Superior Court for an extension of up to 90 days of
21	the 18-month retention period established under subdivision 1607(d)(2) of this

Page 25 of 42

title subshapter if the agency or Department offers specific and articulable
facts showing that there are reasonable grounds to believe that the captured
plate data are relevant and material to an ongoing criminal or missing persons
investigation or to a pending court or Judicial Bureau proceeding involving
enforcement of a crime or of a commercial motor vehicle violation. Requests
for additional 90-day extensions or for longer periods may be made to the
Superior Court subject to the same standards applicable to an initial extension
request under this subdivision.
(2) A governmental entity making a preservation request under this
section shall submit an affidavit stating:
(A) the particular camera or cameras for which captured plate data
must be preserved or the particular license plate for which captured plate data
must be preserved; and
(B) the date or dates and time frames for which captured plate data
must be preserved.
(b) <u>Destruction</u> . Captured plate data shall be destroyed on the schedule
specified in section 1607 of this title subchapter if the preservation request is

denied or 14 days after the denial, whichever is later.

1	Sec. 2. 4 V.S. A. 8 1102 is amonded to read:
2	§ 1102. JUDICIAL BUREAU; JURISDICTION
3	(a) The Judicial Bureau is created within the Judicial Branch under the
4	supervision of the Supreme Court.
5	(b) The Judicial Bureau shall have jurisdiction of the following matters:
6	(1) Traffic violations alleged to have been committed on or after July 1,
7	1990.
8	* * *
9	(33) Automated traffic law enforcement violations issued pursuant to
10	23 V.S.A. § 1606.
11	* * *
12	Sec. 3. RULEMAKING
13	The Department of Public Safety shall either adopt rules as permitted under
14	23 V.S.A. §§ 1606(m) and 1607(d)(2) as added or amended by Sec. 1 of this
15	act to be effective not later than July 1, 2025 or shall file a written report with
16	the House and Senate Committees on Judiciary and on Transportation not later
17	than March 1, 2025 explaining why rules regulating automated traffic law
18	enforcement systems or automated license plate recognition systems, or both,

19

are not necessary.

1	CAA // TII I TEE AT E
2	The Department of Public Safety, in consultation with the Agency of
3	Transportation, shall implement a public outreach campaign not later than
4	January 1, 2025 that, at a minimum, addresses:
5	(1) the us of automated traffic law enforcement (ATLE) systems in
6	work zones; locations with a high incidence of crashes or speeding, or both;
7	and at intersections controlled by traffic-control signals within the State;
8	(2) what recorded images captured by ATLE systems will show;
9	(3) the legal significance of recorded images captured by ATLE
10	systems; and
11	(4) the process to challenge and defenses to a Vermont civil violation
12	complaint issued based on a recorded image captured by an ATLE system.
13	(b) The public outreach campaign shall disseminate information on ATLE
14	systems through the Department of Public Safety's web page and through
15	other mediums such as social media platforms, community posting websites,
16	radio, television, and printed materials.
17	Sec. 5. REPEAL OF PROSPECTIVE REPEAL
18	2013 Acts and Resolves No. 69, Sec. 3(b), as amended by 2015 Acts and
19	Resolves No. 32, Sec. 1, 2016 Acts and Resolves No. 169, Sec. 6, 2018 Acts
20	

- 1 2022 Acts and Decolver No. 147 Sec. 24 (July 1, 2024 repeal of Automated
- 2 <u>License Plan Recognition system standards</u>), is repealed.
- 3 Sec. 6. EFFECTIVE DATES
- 4 (a) Secs. 1 (powers of enforcement fficers; 23 V.S.A. chapter 15) and 2
- 5 (Judicial Bureau jurisdiction; 4 V.S.A. § 1102) shall take effect on July 1,
- 6 2025.
- 7 (b) All other sections shall take effect on passage.
 - Sec. 1. 23 V.S.A. chapter 15 is amended to read:

CHAPTER 15. POWERS OF ENFORCEMENT OFFICERS

Subchapter 1. General Provisions

§ 1600. DEFINITION

Notwithstanding subdivision 4(4) of this title, as used in this chapter, "Commissioner" means the Commissioner of Public Safety.

* * *

Subchapter 2. Automated Law Enforcement

§ 1605. DEFINITIONS

As used in this subchapter:

- (1) "Active data" is distinct from historical data as defined in subdivision (5) of this section and means data uploaded to individual automated license plate recognition system units before operation as well as data gathered during the operation of an ALPR system. Any data collected by an ALPR system in accordance with section 1607 of this subchapter shall be considered collected for a legitimate law enforcement purpose.
- (2) "Automated license plate recognition system" or "ALPR system" means a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration number plates into computer-readable data.
- (3) "Automated traffic law enforcement system" or "ATLE system" means a device with one or more sensors working in conjunction with a speed measuring device to produce recorded images of the rear registration number

plates of motor vehicles traveling at more than fine 10 miles above the speed limit.

- (4) "Calibration laboratory" means an International Organization for Standardization (ISO) 17025 accredited testing laboratory that is approved by the Commissioner of Public Safety.
- (5) "Historical data" means any data collected by an ALPR system and stored on the statewide automated law enforcement server operated by the Vermont Justice Information Sharing System of the Department of Public Safety. Any data collected by an ALPR system in accordance with section 1607 of this subchapter shall be considered collected for a legitimate law enforcement purpose.
- (6) "Law enforcement officer" means a State Police officer, municipal police officer, motor vehicle inspector, Capitol Police officer, constable, sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council as a Level II or Level III law enforcement officer under 20 V.S.A. § 2358.
- (7) "Legitimate law enforcement purpose" applies to access to active or historical data and means investigation, detection, analysis, or enforcement of a crime or of a commercial motor vehicle violation or a person's defense against a charge of a crime or commercial motor vehicle violation, or operation of AMBER alerts or missing or endangered person searches.
- (8) "Owner" means the first- or only listed registered owner of a motor vehicle or the first- or only listed lessee of a motor vehicle under a lease of one year or more.
- (9) "Recorded image" means a photograph, microphotograph, electronic image, or electronic video that shows, clearly enough to identify, the rear registration number plate of a motor vehicle that has activated the radar component of an ATLE system by traveling past the ATLE system at more than 10 miles above the speed limit.
- (10) "Vermont Intelligence Center analyst" means any sworn or civilian employee who through employment with the Vermont Intelligence Center (VIC) has access to secure storage systems that support law enforcement investigations.

§ 1606. AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS; SPEEDING

(a) Use. Deployment of ATLE systems on behalf of the Agency of Transportation by a third-party pursuant to subsection (b) of this section is intended to provide automated law enforcement for speeding riolations in instances of insufficient staffing or inherent on site lift actions in much away so

- to investigate the benefits of automated law enforcement for speeding violations as a way to improve work crew safety and reduce traffic crashes resulting from an increased adherence to traffic laws achieved by effective deterrence of potential violators, which could not be achieved by traditional law enforcement methods or traffic calming measures, or both. Deployment of ATLE systems on behalf of the Agency is not intended to replace law enforcement personnel, nor is it intended to mitigate problems caused by deficient road design, construction, or maintenance.
- (b) Vendor. The Agency of Transportation shall enter into a contract with a third party for the operation and deployment of ATLE systems on behalf of the Agency.
- (c) Locations. An ATLE system may only be utilized at a location in the vicinity of a work zone on a limited-access highway under the jurisdiction of the Agency of Transportation and selected by the Agency, in consultation with the Department of Public Safety, apan determination that it may be impractical and for the strike of the strik
- (1) the Agency confirms, through a traffic engineering analysis of the proposed location, that the location meets highway safety standards;
- (2) the ATLE system is not used as a means of combating deficiencies in roadway design or environment;
- (3) at least two signs notifying members of the traveling public of the use of an ATLE system are in place before any recorded images or other data is collected by the ATLE system;
 - (4) there is a sign at the end of the work zone;
- (5) the ATLE system is only in operation when workers are present in the work zone and at least one of the signs required under subdivision (3) of this subsection indicates whether the ATLE system is currently in operation; and
- (6) there is notice of the use of the ATLE system on the Agency's website, including the location and typical hours when workers are present and the ATLE system is in operation.

(d) Daily log.

(1) The vendor that deploys an ATLE system in accordance with this section must maintain a daily log for each deployed ATLE system that includes:

- (A) the date, time, and location of the ATLE system setup; and
- (B) the name of the employee who performed any self-tests required by the ATLE system manufacturer and the results of those self-tests.
- (2) The daily log shall be retained in perpetuity for not fewer than three years by the Agency and admissible in any proceeding for a violation involving ATLE systems deployed on behalf of the Agency.
- (e) Annual calibration. All ATLE systems shall undergo an annual calibration check performed by a calibration laboratory. The calibration laboratory shall issue a signed certificate of calibration after the annual calibration check, which shall be retained in perpetuity for not fewer than three years by the Agency and admissible in any proceeding for a violation involving the ATLE system.

(f) Penalty.

- (1) The owner of the motor vehicle bearing the rear registration number plate captured in a recorded image shall be liable for one of the following civil penalties unless, for the violation in question, the owner is convicted of exceeding the speed limit under chapter 13 of this title or has a defense under subsection (h) of this section:
- (A) \$0.00, which shall be exempt from surcharges under 13 V.S.A. § 7282(a), for a first violation within 12 months;
- (B) \$80.00 for a second violation within 12 months; provided, however, that a violation shall be considered a second violation for purposes of this subdivision only if it has occurred at least 30 days after the date on which the notice of the first violation was mailed; and
 - (C) \$160.00 for a third or subsequent violation within 12 months.
- (2) The owner of the motor vehicle bearing the rear registration number plate captured in a recorded image shall not be deemed to have committed a crime or moving violation unless otherwise convicted under another section of this title, and a violation of this section shall not be made a part of the operating record of the owner or considered for insurance purposes.

(g) Notice and complaint.

- (1) An action to enforce this section shall be initiated by issuing a Vermont civil violation complaint to the owner of a motor vehicle bearing the rear registration number plate captured in a recorded image and mailing the Vermont civil violation complaint to the owner by U.S. mail.
 - (2) The civil violation complaint shall:

- (A) be based on an inspection of recorded images and data produced by one or more ATLE systems or one or more ATLE and ALPR systems;
- (B) be issued, sworn, and affirmed by the law enforcement officer who inspected the recorded images and data;
- (C) enclose copies of applicable recorded images and at least one recorded image showing the rear registration number plate of the motor yehicle;
 - (D) include the date, time, and place of the violation;
- (E) include the applicable civil penalty amount and the dates, times, and places for any prior violations from the prior 12 months;
- (F) include written verification that the ATLE system was operating correctly at the time of the violation and the date of the most recent inspection that confirms the ATLE system to be operating properly; and
- (G) in compliance with 4 V.S.A. § 1105(f), include an affidavit that the issuing officer has determined the owner's military status to the best of the officer's ability by conducting a search of the available Department of Defense Manpower Data Center (DMDC) online records, together with a copy of the record obtained from the DMDC that is the basis for the issuing officer's affidavit.
- (3) In the case of a violation involving a motor vehicle registered under the laws of this State, the civil violation complaint shall be mailed within 30 days after the violation to the address of the owner as listed in the records of the Department of Motor Vehicles.
- (4) In the case of a violation involving a motor vehicle registered under the laws of a jurisdiction other than this State, the notice of violation shall be mailed within 30 days after the discovery of the identity of the owner to the address of the owner as listed in the records of the official in the jurisdiction having charge of the registration of the motor vehicle. A notice of violation issued under this subdivision shall be issued not more than 90 days after the date of the violation. A notice issued after 90 days is void.
- (h) Defenses. The following shall be defenses to a violation under this section:
- (1) that the motor vehicle or license plates shown in one or more recorded images was in the care, custody, or control of another person at the time of the violation; and
- (2) that the radar component of the ATLE system was not properly calibrated or tested at the time of the violation.

(i) Proceedings before the Judicial Bureau.

- (1) To the extent not inconsistent with this section, the provisions for the adjudication of a Vermont civil violation complaint, the payment of a Vermont civil violation complaint, and the collection of civil penalties associated with a civil violation complaint in 4 V.S.A. chapter 29 shall apply to civil violation complaints issued under this section.
- (2) Notwithstanding an owner's failure to request a hearing, a Vermont civil violation complaint issued pursuant to this section shall be dismissed, without consequence, upon showing by the owner that the motor vehicle in question was not in the care, custody, or control of the owner at the time of the violation because, at the time, the owner was a person in military service as defined in 50 U.S.C. § 3911.

(j) Retention.

- (1) All recorded images shall be retained by the vendor pursuant to the requirements of subdivision (2) of this subsection.
- (2) A recorded image shall only be retained for 12 months after the date it was obtained or until the resolution of the applicable violation and the appeal period if the violation is contested. When the retention period has expired, the vendor and any law enforcement agency with custody of the recorded image shall destroy it and cause to have destroyed any copies or backups made of the original recorded image.

(k) Review process and annual report.

- (1) The Department of Public Safety, in consultation with the Agency of Transportation, shall establish a review process to ensure that recorded images are used only for the purposes permitted by this section. The Department of Public Safety shall report the results of this review annually on or before January 15 to the Senate and House Committees on Judiciary and on Transportation. The report shall contain the following information based on prior calendar year data:
- (A) the total number of ATLE systems units being operated on behalf of the Agency in the State;
- (B) the terms of any contracts entered into with any vendors for the deployment of ATLE on behalf of the Agency;
- (C) all of the locations where an ATLE system was deployed along with the dates and hours that the ATLE system was in operation;

- (D) the number of violations issued based on recorded images and the outcomes of those violations by category, including first, second, and third and subsequent violations and contested violations;
- (E) the number of recorded images the Agency submitted to the automated traffic law enforcement storage system;
 - (F) the total amount paid in civil penalties; and
- (G) any recommended changes for the use of ATLE systems in Vermont.
- (2) Notwithstanding 2 V.S.A. § 20(d), the annual report required under this section shall continue to be required if an ATLE system is deployed in the State unless the General Assembly takes specific action to repeal the report requirement.

(l) Limitations.

- (1) ATLE systems shall only record violations of this section and shall not be used for any other surveillance purposes.
- (2) Recorded images shall only be accessed to determine if a violation of this section was committed in the prior 12 months.
- (2)(1) Recorded images are exempt from public inspection and copying under the Public Pecords Act.
- (B) Notwithstanding I V.S.A. § 317(e), the Public Records Act exemption created in subdivision (A) of this subdivision (3) shall continue in effect and shall not be repeated through operation of 1 V.S.A. § 317(c).
- (m) Rulemaking. The Department of Public Safety may adopt rules pursuant to 3 V.S.A. chapter 25 to implement this section.

§ 1607. AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS

- (a) Definitions. As used in this section:
- (1) "Active data" is distinct from historical data as defined in subdivision (3) of this subsection and means data uploaded to individual automated license plate recognition system units before operation as well as data gathered during the operation of an ALPR system. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose.
- (2) "Automated license plate recognition system" or "ALPR system" means a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data.

- (3) "Historical data" means any data collected by an ALPR system and stored on the statewide ALPR server operated by the Vermont Justice Information Sharing System of the Department of Public Safety. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose.
- (4) "Law enforcement officer" means a State Police officer, municipal police officer, motor vehicle inspector, Capitol Police officer, constable, sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council as a level II or level III law enforcement officer under 20 V.S.A. § 2358.
- (5) "Legitimate law enforcement purpose" applies to access to active or historical data, and means investigation, detection, analysis, or enforcement of a crime or of a commercial motor vehicle violation or a person's defense against a charge of a crime or commercial motor vehicle violation, or operation of AMBER alerts or missing or endangered person searches.
- (6) "Vermont Intelligence Center analyst" means any sworn or civilian employee who through his or her employment with the Vermont Intelligence Center (VIC) has access to secure databases that support law enforcement investigations.
- (b) Operation. A Vermont law enforcement officer shall be certified in ALPR operation by the Vermont Criminal Justice Council in order to operate an ALPR system.
 - (c)(b) ALPR use and data access; confidentiality.
- (1)(A) Deployment of ALPR equipment by Vermont law enforcement agencies is intended to provide access to law enforcement reports of wanted or stolen vehicles and wanted persons and to further other legitimate law enforcement purposes. Use of ALPR systems by law enforcement officers and access to active data are restricted to legitimate law enforcement purposes.
- (B) Active data may be accessed by a law enforcement officer operating the ALPR system only if he or she the law enforcement officer has a legitimate law enforcement purpose for the data. Entry of any data into the system other than data collected by the ALPR system itself must be approved by a supervisor and shall have a legitimate law enforcement purpose.
- (C)(i) Requests to access active data shall be in writing and include the name of the requester, the law enforcement agency the requester is employed by, if any, and the law enforcement agency's Originating Agency Identifier (ORI) number. To be approved, the request must provide specific and articulable facts showing that there are reasonable grounds to believe that the data are relevant and material to an ongoing criminal, missing person, or commercial motor vehicle investigation or enforcement action. The written

request and the outcome of the request shall be transmitted to VIC and retained by VIC for not less than three years.

- (ii) In each department operating an ALPR system, access to active data shall be limited to designated personnel who have been provided account access by the department to conduct authorized ALPR stored data queries. Access to active data shall be restricted to data collected within the past seven days.
- (2)(A) A VIC analyst shall transmit historical data only to a Vermont or out-of-state law enforcement officer or person who has a legitimate law enforcement purpose for the data. A law enforcement officer or other person to whom historical data are transmitted may use such data only for a legitimate law enforcement purpose. Entry of any data onto the statewide ALPR server automated traffic law enforcement storage system other than data collected by an ALPR system itself must be approved by a supervisor and shall have a legitimate law enforcement purpose.
- (B) Requests for historical data within six months of after the date of the data's creation, whether from Vermont or out-of-state law enforcement officers or other persons, shall be made in writing to a VIC analyst. The request shall include the name of the requester, the law enforcement agency the requester is employed by, if any, and the law enforcement agency's ORI number. To be approved, the request must provide specific and articulable facts showing that there are reasonable grounds to believe that the data are relevant and material to an ongoing criminal, missing person, or commercial motor vehicle investigation or enforcement action. VIC shall retain all requests and shall record in writing the outcome of the request and any information that was provided to the requester or, if applicable, why a request was denied or not fulfilled. VIC shall retain the information described in this subdivision (e)(2)(B) (b)(2)(B) for no not fewer than three years.
- (C) After six months from the date of its creation, VIC may only disclose historical data:
- (i) pursuant to a warrant if the data are not sought in connection with a pending criminal charge; or
- (ii) to the prosecution or the defense in connection with a pending criminal charge and pursuant to a court order issued upon a finding that the data are reasonably likely to be relevant to the criminal matter.
- (3) Active data and historical data shall not be subject to subpoena or discovery, or be admissible in evidence, in any private civil action.
- (4) Notwithstanding any contrary provisions of subdivision (2) of this subsection, in connection with commercial motor vehicle screening, inspection,

and compliance activities to enforce the Federal Motor Carrier Safety Regulations, the Department of Motor Vehicles (DMV):

- (A) may maintain or designate a server for the storage of historical data that is separate from the statewide server automated traffic law enforcement storage system;
- (B) may designate a DMV employee to carry out the same responsibilities as a VIC analyst and a supervisor as specified in subdivision (2) of this subsection (b); and
- (C) shall have the same duties as the VIC with respect to the retention of requests for historical data.

$\frac{(d)(c)}{(d)}$ Retention.

- (1) Any ALPR information gathered by a Vermont law enforcement agency shall be sent to the Department of Public Safety to be retained pursuant to the requirements of subdivision (2) of this subsection. The Department of Public Safety shall maintain the ALPR automated traffic law enforcement storage system for Vermont law enforcement agencies.
- (2) Except as provided in this subsection and section 1608 of this title, information gathered by a law enforcement officer through use of an ALPR system shall only be retained for 18 months after the date it was obtained. When the permitted 18-month period for retention of the information has expired, the Department of Public Safety and any local law enforcement agency with custody of the information shall destroy it and cause to have destroyed any copies or backups made of the original data. Data may be retained beyond the 18-month period pursuant to a preservation request made or disclosure order issued under section 1608 of this title or pursuant to a warrant issued under Rule 41 of the Vermont or Federal Rules of Criminal Procedure.

(e)(d) Oversight; rulemaking.

- (1) The Department of Public Safety, in consultation with the Department of Motor Vehicles, shall establish a review process to ensure that information obtained through use of ALPR systems is used only for the purposes permitted by this section. The Department of Public Safety shall report the results of this review annually on or before January 15 to the Senate and House Committees on Judiciary and on Transportation. The report shall contain the following information based on prior calendar year data:
- (A) the total number of ALPR units being operated by government agencies in the State, the number of such units that are stationary, and the

number of units submitting data to the statewide ALPR database automated traffic law enforcement storage system;

- (B) the number of ALPR readings each agency submitted, and the total number of all such readings submitted, to the statewide ALPR database automated traffic law enforcement storage system;
- (C) the 18-month cumulative number of ALPR readings being housed on the statewide ALPR database automated traffic law enforcement storage system as of the end of the calendar year;
- (D) the total number of requests made to VIC for historical data, the average age of the data requested, and the number of these requests that resulted in release of information from the statewide ALPR database automated traffic law enforcement storage system;
- (E) the total number of out-of-state requests to VIC for historical data, the average age of the data requested, and the number of out-of-state requests that resulted in release of information from the statewide ALPR database automated traffic law enforcement storage system;
- (F) the total number of alerts generated on ALPR systems operated by law enforcement officers in the State by a match between an ALPR reading and a plate number on an alert database storage system and the number of these alerts that resulted in an enforcement action;
- (G) the total number of criminal, missing person, and commercial motor vehicle investigations and enforcement actions to which active data contributed, and a summary of the nature of these investigations and enforcement actions;
- (H) the total number of criminal, missing person, and commercial motor vehicle investigations and enforcement actions to which historical data contributed, and a summary of the nature of these investigations and enforcement actions; and
- (I) the total annualized fixed and variable costs associated with all ALPR systems used by Vermont law enforcement agencies and an estimate of the total of such costs per unit.
- (2) Before January 1, 2018, the <u>The</u> Department of Public Safety shall may adopt rules to implement this section.

§ 1608. PRESERVATION OF DATA

- (a) Preservation request.
- (1) A law enforcement agency or the Department of Motor Vehicles or other person with a legitimate law enforcement purpose may apply to the

Criminal Division of the Superior Court for an extension of up to 90 days of the 18-month retention period established under subdivision $1607\frac{d}{d}(c)(2)$ of this title subchapter if the agency or Department offers specific and articulable facts showing that there are reasonable grounds to believe that the captured plate data are relevant and material to an ongoing criminal or missing persons investigation or to a pending court or Judicial Bureau proceeding involving enforcement of a crime or of a commercial motor vehicle violation. Requests for additional 90-day extensions or for longer periods may be made to the Superior Court subject to the same standards applicable to an initial extension request under this subdivision.

- (2) A governmental entity making a preservation request under this section shall submit an affidavit stating:
- (A) the particular camera or cameras for which captured plate data must be preserved or the particular license plate for which captured plate data must be preserved; and
- (B) the date or dates and time frames for which captured plate data must be preserved.
- (b) <u>Destruction.</u> Captured plate data shall be destroyed on the schedule specified in section 1607 of this <u>title subchapter</u> if the preservation request is denied or 14 days after the denial, whichever is later.
- Sec. 2. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

- (a) The Judicial Bureau is created within the Judicial Branch under the supervision of the Supreme Court.
 - (b) The Judicial Bureau shall have jurisdiction of the following matters:
- (1) Traffic violations alleged to have been committed on or after July 1, 1990.

* * *

(33) Automated traffic law enforcement violations issued pursuant to 23 V.S.A. § 1606.

* * *

Sec. 3. IMPLEMENTATION: OUTREACH

(a) The Agency shall develop an implementation plan and secure federal funding from the Federal Highway Administration for a work zone ATLE pilot program to run in locations throughout Vermont from July 1, 2025 until October 1, 2026.

- (b) The Department of Public Safety, in consultation with the Agency of Transportation, shall implement a public outreach campaign not later than January 1, 2025 that, at a minimum, addresses:
- (1) the use of automated traffic law enforcement (ATLE) systems in work zones throughout the State;
 - (2) what recorded images captured by ATLE systems will show;
- (3) the legal significance of recorded images captured by ATLE systems; and
- (4) the process to challenge and defenses to a Vermont civil violation complaint issued based on a recorded image captured by an ATLE system.
- (c) The public outreach campaign shall disseminate information on ATLE systems through the Department of Public Safety's web page and through other mediums such as social media platforms, community posting websites, radio, television, and printed materials.

Sec. 4. REPEAL OF CURRENT PROSPECTIVE REPEAL

2013 Acts and Resolves No. 69, Sec. 3(b), as amended by 2015 Acts and Resolves No. 32, Sec. 1, 2016 Acts and Resolves No. 169, Sec. 6, 2018 Acts and Resolves No. 175, Sec. 1, 2020 Acts and Resolves No. 134, Sec. 3, and 2022 Acts and Resolves No. 147, Sec. 34 (July 1, 2024 repeal of Automated License Plate Recognition system standards), is repealed.

Sec. 5. PROSPECTIVE REPEAL

4 V.S.A. § 1102(b)(33) (Vermont Judicial Bureau jurisdiction over automated traffic law enforcement violations) and 23 V.S.A. §§ 1606–1608 (automated law enforcement) are repealed on July 1, 2027; provided, however, if the Agency is unable to secure federal funding for a work zone ATLE pilot program by June 30, 2025, then 4 V.S.A. § 1102(b)(33) and 23 V.S.A. §§ 1606–1608 are repealed on July 2, 2025.

Sec. 6. 23 V.S.A. § 1605 is amended to read:

§ 1605. DEFINITIONS

As used in this subchapter:

(1) "Active data" is distinct from historical data as defined in subdivision (5) of this section and means data uploaded to individual automated license plate recognition system units before operation as well as data gathered during the operation of an ALPR system. Any data collected by an ALPR system in accordance with section 1607 of this subchapter shall be considered collected for a legitimate law enforcement purpose. [Repealed.]

- (2) "Automated license plate recognition system" or "ALPR system" means a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration number plates into computer-readable data.
- (3) "Automated traffic law enforcement system" or "ATLE system" means a device with one or more sensors working in conjunction with a speed measuring device to produce recorded images of the rear registration number plates of motor vehicles traveling at more than five miles above the speed limit.
- (4) "Calibration laboratory" means an International Organization for Standardization (ISO) 17025 accredited testing laboratory that is approved by the Commissioner of Public Safety. [Repealed.]
- (5) "Historical data" means any data collected by an ALPR system and stored on the statewide automated law enforcement server operated by the Vermont Justice Information Sharing System of the Department of Public Safety. Any data collected by an ALPR system in accordance with section 1607 of this subchapter shall be considered collected for a legitimate law enforcement purpose. [Repealed.]
- (6) "Law enforcement officer" means a State Police officer, municipal police officer, motor vehicle inspector, Capitol Police officer, constable, sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council as a level II or level III law enforcement officer under 20 V.S.A. § 2358. [Repealed.]
- (7) "Legitimate law enforcement purpose" applies to access to active or historical data, and means investigation, detection, analysis, or enforcement of a crime or of a commercial motor vehicle violation or a person's defense against a charge of a crime or commercial motor vehicle violation, or operation of AMBER alerts or missing or endangered person searches. [Repealed.]
- (8) "Owner" means the first- or only listed registered owner of a motor vehicle or the first- or only listed lessee of a motor vehicle under a lease of one year or more. [Repealed.]
- (9) "Recorded image" means a photograph, microphotograph, electronic image, or electronic video that shows, clearly enough to identify, the rear registration number plate of a motor vehicle that has activated the radar component of an ATLE system by traveling past the ATLE system at more than five miles above the speed limit. [Repealed.]
- (10) "Vermont Intelligence Center analyst" means any sworn or civilian employee who through his or her employment with the Vermont Intelligence Center (VIC) has access to storage systems that support law enforcement investigations. [Repealed.]

Sec. 7. 23 V.S.A. § 1609 is added to read:

§ 1609. PROHIBITION ON USE OF AUTOMATED LAW ENFORCEMENT

No State agency or department or any political subdivision of the State shall use automated license plate recognition systems or automated traffic law enforcement systems.

Sec. 8. EFFECTIVE DATES

- (a) Secs. 1 (powers of enforcement officers; 23 V.S.A. chapter 15) and 2 (Judicial Bureau jurisdiction; 4 V.S.A. § 1102) shall take effect on July 1, 2025.
- (b) Secs. 6 (amended automated law enforcement definitions; 23 V.S.A. § 1605) and 7 (prohibition on the use of automated law enforcement; 23 V.S.A. § 1609) shall take effect upon the repeal of 4 V.S.A. § 1102(b)(33) (Vermont Judicial Bureau jurisdiction over automated traffic law enforcement violations) and 23 V.S.A. §§ 1606–1608 (automated law enforcement) pursuant to the provisions of Sec. 5.
 - (c) All other sections shall take effect on passage.