

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 ~~An act relating to the use of automated traffic law enforcement (ATLE)~~
18 ~~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, 23 V.S.A., chapter 15 is amended to read:~~

3 CHAPTER 15. POWERS OF ENFORCEMENT OFFICERS

4 Subchapter 1. General Provisions

5 § 1600. DEFINITION

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

1 ~~least one law enforcement officer certified in ALPR or ATLE operation by the~~
2 Vermont 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 data.

7 (4) “Automated traffic 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 recorded images of the rear registration number
10 plates of motor vehicles traveling at 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, municipal
19 police officer, motor vehicle inspector, Capitol Police officer, constable,
20 sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council as
21 a Level II or Level III law enforcement officer under 26 V.S.A. § 2358.

1 (7) "Legitimate 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 enforcement for speeding and

1 ~~red 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, nor 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 enforcement 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:

19 (A) the agency confirms, through a traffic engineering analysis of the
20 proposed location, that the location meets highway safety standards,

1 (B) the ATLE system is not used as a means of combating

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;

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 hours 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 ~~(B) the ATLE system is not used as a means of combating~~
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 date, time, and location of the ATLE system setup; and~~

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 daily 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.~~
21 ~~§ 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 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) \$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 limit 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 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) \$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 of 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 enforce 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 captured 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 ~~(E) include the waiver penalty for the violation in question when the~~
2 Vermont civil violation complaint is issued without the use of an ATLE system
3 and include a clear explanation that had the complaint been issued without the
4 use of an ATLE system the waiver penalty would have been the greater
5 amount; and

6 (G) include written verification that the ATLE system was operating
7 correctly at the time of the violation and the date of the most recent inspection
8 that confirms the ATLE system to be operating properly.

9 (3) In the case of a violation involving a motor vehicle registered under
10 the laws of this State, the civil violation complaint shall be mailed within
11 30 days after the violation to the address of the owner as listed in the records
12 of the Department of Motor Vehicles.

13 (4) In the case of a violation involving a motor vehicle registered under
14 the laws of a jurisdiction other than this State, the notice of violation shall be
15 mailed within 30 days after the discovery of the identity of the owner to the
16 address of the owner as listed in the records of the official in the jurisdiction
17 having charge of the registration of the motor vehicle and shall be invalid
18 unless provided to the owner within 90 days after the violation.

19 ~~(5) The civil violation and complaint shall include the following text.~~

1 ~~This civil violation and complaint shall be returned personally, by mail, or~~
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 4 V.S.A. chapter 29, failure to request a hearing~~
2 pursuant 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 Vermont 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 appeal
21 period if the violation is contested. When the retention period has expired, the

1 ~~Department of Public Safety and any law enforcement agency with custody of~~
2 the recorded 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 ~~(E) 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 ~~(C) any recommended changes for the use of ATLE systems in~~
5 ~~Vermont.~~

6 ~~(2) Notwithstanding 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 Assembly takes specific action to repeal the report~~
9 ~~requirement.~~

10 ~~(l) 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 (l)(3) shall continue~~
19 ~~in effect and shall not be repealed through operation of 1 V.S.A. § 317(c).~~

20 ~~(m) Rulemaking. The Department of Public Safety may adopt rules~~
21 ~~pursuant to 5 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 26 V.S.A. § 2358.~~

1 ~~(5) "Legitimate 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 ~~(6) "Vermont Intelligence Center analyst" means any sworn or civilian~~
7 ~~employee who through his or her employment with the Vermont Intelligence~~
8 ~~Center (VIC) has access to secure databases that support law enforcement~~
9 ~~investigations.~~

10 ~~(b) Operation. A Vermont law enforcement officer shall be certified in~~
11 ~~ALPR operation by the Vermont Criminal Justice Council in order to operate~~
12 ~~an ALPR system.~~

13 ~~(e)(b) ALPR use and data access; confidentiality.~~

14 ~~(1)(A) Deployment of ALPR equipment by Vermont law enforcement~~
15 ~~agencies is intended to provide access to law enforcement reports of wanted or~~
16 ~~stolen vehicles and wanted persons and to further other legitimate law~~
17 ~~enforcement purposes. Use of ALPR systems by law enforcement officers and~~
18 ~~access to active data are restricted to legitimate law enforcement purposes.~~

19 ~~(B) Active data may be accessed by a law enforcement officer~~
20 ~~operating the ALPR system only if he or she the law enforcement officer has a~~
21 ~~legitimate law enforcement purpose for the data. Entry of any data into the~~

1 ~~system other than data collected by the ALPR system itself must be approved~~
2 by a supervisor and shall have a legitimate law enforcement purpose.

3 (C)(i) Requests to access active data shall be in writing and include
4 the name of the requester, the law enforcement agency the requester is
5 employed by, if any, and the law enforcement agency's Originating Agency
6 Identifier (ORI) number. To be approved, the request must provide specific
7 and articulable facts showing that there are reasonable grounds to believe that
8 the data are relevant and material to an ongoing criminal, missing person, or
9 commercial motor vehicle investigation or enforcement action. The written
10 request and the outcome of the request shall be transmitted to VIC and retained
11 by VIC for not less than three years.

12 (ii) In each department operating an ALPR system, access to
13 active data shall be limited to designated personnel who have been provided
14 account access by the department to conduct authorized ALPR stored data
15 queries. Access to active data shall be restricted to data collected within the
16 past seven days.

17 (2)(A) A VIC analyst shall transmit historical data only to a Vermont or
18 out-of-state law enforcement officer or person who has a legitimate law
19 enforcement purpose for the data. A law enforcement officer or other person
20 to whom historical data are transmitted may use such data only for a legitimate
21 law enforcement purpose. ~~Entry of any data onto the statewide ALPR server~~

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

4 (B) Requests for historical data within six months ~~of~~ after the date of
5 the data's creation, whether from Vermont or out-of-state law enforcement
6 officers or other persons, shall be made in writing to a VIC analyst. The
7 request shall include the name of the requester, the law enforcement agency
8 the requester is employed by, if any, and the law enforcement agency's ORI
9 number. To be approved, the request must provide specific and articulable
10 facts showing that there are reasonable grounds to believe that the data are
11 relevant and material to an ongoing criminal, missing person, or commercial
12 motor vehicle investigation or enforcement action. VIC shall retain all
13 requests and shall record in writing the outcome of the request and any
14 information that was provided to the requester or, if applicable, why a request
15 was denied or not fulfilled. VIC shall retain the information described in this
16 subdivision ~~(e)(2)(B)~~ (b)(2)(B) for ~~no~~ not fewer than three years.

17 (C) After six months from the date of its creation, VIC may only
18 disclose historical data:

19 (i) pursuant to a warrant if the data are not sought in connection
20 ~~with a pending criminal charge, or~~

1 ~~(ii) to the prosecution or the defense in connection with a pending~~
2 criminal 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) Notwithstanding 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 server~~ 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

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

3 (2) Except as provided in this subsection and section 1608 of this title,
4 information gathered by a law enforcement officer through use of an ALPR
5 system shall only be retained for 18 months after the date it was obtained.

6 When the permitted 18-month period for retention of the information has
7 expired, the Department of Public Safety and any local law enforcement
8 agency with custody of the information shall destroy it and cause to have
9 destroyed any copies or backups made of the original data. Data may be
10 retained beyond the 18-month period pursuant to a preservation request made
11 or disclosure order issued under section 1608 of this title or pursuant to a
12 warrant issued under Rule 41 of the Vermont or Federal Rules of Criminal
13 Procedure.

14 ~~(e)(d)~~ Oversight; rulemaking.

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

1 ~~(A) the total number of ALPR units being operated by government~~
2 agencies 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 database~~ 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 VIC 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 ALPR reading~~

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 investigations 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~~

1 ~~title subchapter if the agency or Department offers specific and articulable~~
2 facts showing that there are reasonable grounds to believe that the captured
3 plate data are relevant and material to an ongoing criminal or missing persons
4 investigation or to a pending court or Judicial Bureau proceeding involving
5 enforcement of a crime or of a commercial motor vehicle violation. Requests
6 for additional 90-day extensions or for longer periods may be made to the
7 Superior Court subject to the same standards applicable to an initial extension
8 request under this subdivision.

9 (2) A governmental entity making a preservation request under this
10 section shall submit an affidavit stating:

11 (A) the particular camera or cameras for which captured plate data
12 must be preserved or the particular license plate for which captured plate data
13 must be preserved; and

14 (B) the date or dates and time frames for which captured plate data
15 must be preserved.

16 (b) Destruction. Captured plate data shall be destroyed on the schedule
17 specified in section 1607 of this title subchapter if the preservation request is
18 ~~denied or 14 days after the denial, whichever is later.~~

1 ~~Sec. 2. 4 V.S.A. § 1102 is amended 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 Sec. 4. OUTREACH

2 (a) 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 use 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 and Resolves No. 173, Sec. 1, 2020 Acts and Resolves No. 134, Sec. 3, and

1 ~~2022 Acts and Resolves No. 147, Sec. 34 (July 1, 2024 repeal of Automated~~
2 ~~License Plate Recognition system standards), is repealed.~~

3 Sec. 6. EFFECTIVE DATES

4 (a) Secs. 1 (powers of enforcement officers; 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 ~~10~~ 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 violations in instances of insufficient staffing or inherent on-site difficulties in such settings.~~

~~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, upon determination that it may be impractical or unsafe to utilize traditional law enforcement methods or traffic calming measures, or both, or that the use of law enforcement personnel or traffic calming measures, or both, has failed to deter violators; provided that:~~

~~(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:~~

~~(1) 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 vehicle;

(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. § 3211.

(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)(4) Recorded images are exempt from public inspection and copying under the Public Records Act.~~

~~(B) Notwithstanding 1 V.S.A. § 217(e), the Public Records Act exemption created in subdivision (A) of this subdivision (2) shall continue in effect and shall not be repealed through operation of 1 V.S.A. § 217(e).~~

~~(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.~~

~~(e)(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 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.~~

~~(d)(c) 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 The 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(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) Destruction. 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.

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.~~

~~Sec. 1. PURPOSE; AUTOMATED TRAFFIC LAW ENFORCEMENT~~

~~The purpose of this act is to improve work crew safety and reduce traffic crashes in limited-access highway work zones by establishing an automated traffic law enforcement (ATLE) pilot program that uses radar and cameras to enforce speeding violations against the registered owner of the violating motor vehicle.~~

~~Sec. 1a. 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 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 an individual certified by the Vermont Criminal Justice Council as a Level II or Level III law enforcement officer under 20 V.S.A. § 2358 and is a State Police officer, municipal police officer, sheriff, or deputy sheriff; or a constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a.

(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 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.

(1) 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.

(2) The Agency, in consultation with the Department of Public Safety, may require the vendor to maintain a storage system to store any recorded images or other data collected by the ATLE system. Any storage system shall adhere to the use, retention, and limitation requirements pursuant to this section.

(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, provided that:

(1) the Agency shall document through an appropriate engineering analysis that the location meets highway 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;

(B) a demonstration that the equipment is operating properly before and after daily use;

(C) a verification that the signage and equipment placement meet applicable highway standards; and

(D) 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 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 an independent calibration laboratory. The calibration laboratory shall issue a signed certificate of calibration after the annual calibration check, which shall be retained 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 vehicle;

(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;

(G) contain a notice of language access services in accordance with federal and state law; and

(H) 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. A notice of violation issued under this subdivision shall be mailed not more than 30 days after the date of the violation. A notice mailed after 30 days is void.

(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 mailed not more than 90 days after the date of the violation. A notice mailed 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 with prejudice upon showing by the owner, by a preponderance of the evidence, 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 Agency of Transportation, in consultation with the Department of Public Safety, shall establish a review process to ensure that recorded images are used only for the purposes permitted by this section. The Agency of Transportation 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 purpose, including 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.

(3) Notwithstanding any applicable law to the contrary, the Agency of Transportation may permit the vendor to coordinate with designated law enforcement agencies to obtain a recorded image from the vendor to determine whether a violation of this section occurred within the prior 12 months.

§ 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.

(e)(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.

~~(d)(c)~~ 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~~ The 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~~(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) Destruction. 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.

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 seek 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 Agency of Transportation, in consultation with the Department of Public Safety, shall implement a public outreach campaign not later than April 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)(1) The public outreach campaign shall disseminate information on ATLE systems through the Agency of Transportation's web page and through other mediums such as social media platforms, community posting websites, radio, television, and printed materials.

(2) The information disseminated pursuant to subdivision (1) of this subsection shall be available in languages other than English that are

commonly spoken in Vermont and neighboring states whose residents travel to Vermont. The Agency of Transportation shall consult with the Office of Racial Equity and Vermont language services organizations to determine the appropriate languages for translation.

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 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. [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 an individual certified by the Vermont Criminal Justice Council as a Level II or Level III law enforcement officer under 20 V.S.A. § 2358 and is a State Police officer, municipal police officer, sheriff, or deputy sheriff, or a constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a. [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 10 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. 1a (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.