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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **154**

01/14/2015 Authored by Scott, Lesch, Liebling, Mahoney, Newberger and others
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices

1.1 A bill for an act

1.2 relating to data practices; classifying data related to automated license plate
1.3 readers; requiring a log of use; requiring data to be destroyed in certain
1.4 circumstances; amending Minnesota Statutes 2014, section 13.82, by adding a
1.5 subdivision.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2014, section 13.82, is amended by adding a subdivision

1.8 to read:

1.9 Subd. 31. **License plate reader data.** (a) For purposes of this subdivision,

1.10 "automated license plate reader data" means government data derived from an automated

1.11 reader that captures motor vehicle license plate numbers.

1.12 (b) Automated license plate reader data are private data on individuals or nonpublic

1.13 data. Notwithstanding section 138.17, automated license plate reader data must not be

1.14 retained, in any format, unless, based on a search of the Minnesota license plate data file,

1.15 the data identify a vehicle or license plate that has been stolen, there is a warrant for the

1.16 arrest of the owner of the vehicle or the owner has a suspended or revoked driver's license,

1.17 or the data are active investigative data.

1.18 (c) A law enforcement agency that installs or uses an automated license plate reader

1.19 must maintain a log of its use, including:

1.20 (1) locations at which the reader is installed or used;

1.21 (2) specific times of day that the reader actively collected data; and

1.22 (3) the aggregate number of vehicles or license plates on which data are collected for

1.23 each period of active use.

2.1 Notwithstanding any other law to the contrary, data contained in a log required under

2.2 this paragraph are public.

2.3 (d) The responsible law enforcement agency shall conduct a biennial audit of data

2.4 collected from automated license plate readers to determine whether the data has been

2.5 classified or destroyed as required under this subdivision. Specific data used in the audit

2.6 under this paragraph are classified as provided in paragraph (b). Summary data related to

2.7 the results of the audit are public.

2.8 (e) A law enforcement agency may not use an automated license plate reader unless

2.9 the agency has implemented policies and procedures necessary to ensure compliance

2.10 with this subdivision.