

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 886
Committee Substitute Favorable 5/11/21

Short Title: Auth. License Plate Readers in State ROW. (Public)

Sponsors:

Referred to:

May 5, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE BUREAU OF
3 INVESTIGATION TO PLACE AUTOMATIC LICENSE PLATE READER SYSTEMS ON
4 DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 136-18 is amended by adding a new subdivision to read:

7 "(47) To enter into agreements with the North Carolina State Bureau of
8 Investigation for the placement and use of automatic license plate reader
9 systems, as defined in G.S. 20-183.30(1), within land or right-of-way owned
10 by the Department of Transportation; provided that (i) the use of the land or
11 right-of-way is temporary in nature, (ii) the automatic license plate reader
12 system is completely above ground, moveable, and contains no combustible
13 fuel, and (iii) the placement and use does not unreasonably interfere with the
14 operation and maintenance of public utility facilities or cause the facilities to
15 fail to comply with all applicable laws, codes, and regulatory requirements.
16 Placement and use of an automatic license plate reader system and related
17 equipment under this subdivision must be terminated and removed by the
18 Department upon request by any affected public utility. The Department or a
19 public utility may relocate an automatic license plate reader system and related
20 equipment in the event that the Department or public utility needs immediate
21 access to its utilities or facilities and shall only be liable for damages to the
22 automatic license plate reader system and related equipment caused solely by
23 its gross negligence or willful misconduct. If an automatic license plate reader
24 system or related equipment is moved for immediate access, the Department
25 or applicable public utility must provide notice to the State Bureau of
26 Investigation. For purposes of this subdivision, the term "public utility" means
27 any of the following: a public utility, as defined in G.S. 62-3(23), an electric
28 membership corporation, telephone membership corporation, a joint
29 municipal power agency, or a city or county engaged in producing, generating,
30 transmitting, delivering, or furnishing electricity for private or public use."

31 **SECTION 2.** Article 3D of Chapter 20 of the General Statutes is amended by
32 adding a new section to read:

33 **"§ 20-183.33. State Bureau of Investigation automatic license plate reader systems within**
34 **Department of Transportation land or right-of-way; compliance and use**
35 **restriction; report.**



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1 (a) Compliance. – An automatic license plate reader system placed by the North Carolina
2 State Bureau of Investigation within land or right-of-way pursuant to G.S. 136-18(47) must
3 comply with provisions of this Article.

4 (b) Captured Plate Data Use Restriction. – Captured plate data obtained with automatic
5 license plate reader systems placed and used by the North Carolina State Bureau of Investigation
6 within land or right-of-way pursuant to G.S. 136-18(47) may not be used for the enforcement of
7 traffic violations that are infractions or violations of G.S. 20-141, 20-141.1, 20-141.5, and
8 20-158.

9 (c) No later than March 1 of each year, the North Carolina State Bureau of Investigation
10 must report to the Joint Legislative Oversight Committee on Justice and Public Safety on the
11 number of requests, pursuant to G.S. 20-183.32, made by law enforcement agencies for captured
12 plate data obtained by automatic license plate reader systems placed pursuant to
13 G.S. 136-18(47)."

14 **SECTION 3.** This act is effective when it becomes law.