

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 886
May 4, 2021
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40482-MW-101A

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

Sponsors: Representative Faircloth.

Referred to:

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

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

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



* D R H 4 0 4 8 2 - M W - 1 0 1 A *

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 Date 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.