

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 886

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

Sponsors: Representatives Faircloth and Greene (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, Judiciary 3, if favorable, Rules, Calendar, and Operations of the House

May 5, 2021

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE BUREAU OF INVESTIGATION TO PLACE AUTOMATIC LICENSE PLATE READER SYSTEMS ON DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY.

The General Assembly of North Carolina enacts:

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

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

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



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1 "§ 20-183.33. State Bureau of Investigation automatic license plate reader systems within
2 certain Department of Transportation land or right-of-way; compliance and use
3 restriction; report.

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

7 (b) Captured Plate Data Use Restriction. – Captured plate data obtained with automatic
8 license plate reader systems placed and used by the North Carolina State Bureau of Investigation
9 within land or right-of-way pursuant to G.S. 136-18(47) may not be used for the enforcement of
10 traffic violations that are infractions or violations of G.S. 20-141, 20-141.1, 20-141.5, and
11 20-158.

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

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