**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑1‑235 SO AS TO PROVIDE THAT ONLY CERTAIN ENTITIES MAY USE AN AUTOMATIC LICENSE PLATE READER SYSTEM, TO PROVIDE THE LOCATIONS WHERE THE SYSTEM MAY BE INSTALLED, TO PROVIDE HOW INFORMATION OBTAINED THROUGH THE SYSTEM MAY BE USED, AND TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 23 of the 1976 Code is amended by adding:

“Section 23‑1‑235. (A) As used in this section:

(1) ‘Alert’ means data held by the Department of Motor Vehicles, SLED, the Department of Public Safety, the National Crime Information Center, and the Federal Bureau of Investigation Kidnappings and Missing Persons database.

(2) ‘Automatic license plate reader system’ means a system of one or more mobile or fixed automated high‑speed cameras used in combination with computer algorithms to convert images of license plates into computer‑readable data.

(3) ‘Captured plate data’ means the global positioning device coordinates, date and time, photograph, license plate number, and any other data captured by or derived from any automatic license plate reader system. Captured plate data shall not include any personal data.

(4) ‘Governmental entity’ means a lawfully created branch, department, or agency of the federal, state, or local government.

(5) ‘Secured area’ means an area, enclosed by clear boundaries, to which access is limited and not open to the public, and entry is obtainable only through specific access‑control points.

(B) Except as provided in subsection (C), it is unlawful for an individual, partnership, corporation, association, or this State, its agencies, and political subdivisions to use an automatic license plate reader system.

(C) An automatic license plate reader system may be used:

(1) by a state, county, or municipal law enforcement agency for the comparison of captured license plate data with data held by the Department of Motor Vehicles, SLED, the Department of Public Safety, the National Crime Information Center, a database created by law enforcement for the purposes of an ongoing investigation;

(2) by parking enforcement entities for regulating the use of parking facilities;

(3) for the purpose of controlling access to secured areas; or

(4) by the Department of Public Safety and the Department of Transportation for the electronic verification of registration, logs, and other compliance data to provide more efficient movement of commercial vehicles on a state highway.

(D) An automatic license plate reader system used under this section must be installed at an entrance ramp at a weigh station facility for the review of a commercial motor vehicle entering the facility.

(E) Captured plate data obtained for the purposes described under this section must not be used or shared for any other purpose and shall not be preserved for more than ninety days.

(F) Captured license plate data obtained by an entity under this section must be retained as part of an ongoing investigation and must be destroyed at the conclusion of either:

(1) an investigation that does not result in any criminal charges being filed; or

(2) any criminal action undertaken in the matter involving the captured license plate data.

(G) A governmental entity that uses an automatic license plate reader system under this section shall update the captured plate data collected under this section every twenty‑four hours if updates are available.

(H) Except as provided under subsection (I), a governmental entity authorized to use an automatic license plate reader system under this section shall not sell, trade, or exchange captured plate data for any purpose.

(I) Captured license plate data obtained by a law enforcement agency under this section that indicates evidence of an offense may be shared with other law enforcement agencies.

(J) A person who violates a provision of this section is guilty of a misdemeanor and, upon conviction must be imprisoned not more than one year.”

SECTION 2. This act takes effect upon approval by the Governor.

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