

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 446

5 By: Senator Gilmore
6 By: Representative Gazaway
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE AUTOMATIC LICENSE PLATE READER
10 SYSTEM ACT; TO PROVIDE FOR THE USE OF AUTOMATIC
11 LICENSE PLATE READERS BY PRIVATE LANDOWNERS, PRIVATE
12 LEASEHOLDER, AND COMMERCIAL BUSINESSES; AND FOR OTHER
13 PURPOSES.
14

Subtitle

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16
17 TO AMEND THE AUTOMATIC LICENSE PLATE
18 READER SYSTEM ACT; AND TO PROVIDE FOR
19 THE USE OF AUTOMATIC LICENSE PLATE
20 READERS BY PRIVATE LANDOWNERS, PRIVATE
21 LEASEHOLDER, AND COMMERCIAL BUSINESSES.
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 12-12-1802, concerning definitions with
26 respect to the Automatic License Plate Reader System Act, is amended to add
27 an additional subdivision to read as follows:

28 (6) "Private landowner, private leaseholder, or commercial
29 business" means a landowner, leaseholder, or commercial business that is not
30 a governmental entity.
31

32 SECTION 2. Arkansas Code §§ 12-12-1803 – 12-12-1805 are amended to
33 read as follows:

34 12-12-1803. Restrictions on use.

35 (a) Except as provided in subsection (b) of this section, it is
36 unlawful for an individual, partnership, corporation, limited liability



1 company, association, or the State of Arkansas, its agencies, and political
2 subdivisions to use an automatic license plate reader system.

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

4 (1) By a state, county, or municipal law enforcement agency for
5 the comparison of captured plate data with data held by the Office of Motor
6 Vehicle, the Arkansas Crime Information Center, the National Crime
7 Information Center, a database created by law enforcement for the purposes of
8 an ongoing investigation, and the Federal Bureau of Investigation for any
9 lawful purpose;

10 (2) By parking enforcement entities for regulating the use of
11 parking facilities;

12 (3) For the purpose of controlling access to secured areas; ~~or~~

13 (4) By a private landowner, private leaseholder, or commercial
14 business for the purpose of promoting public safety, deterring crime, and
15 monitoring access to private property owned or leased by the private
16 landowner, private leaseholder, or commercial business, including ingress and
17 egress to private property on a private road owned by the private landowner,
18 private leaseholder, or commercial business; or

19 (5)(A) By the Arkansas Highway Police Division of the Arkansas
20 Department of Transportation for the electronic verification of registration,
21 logs, and other compliance data to provide more efficient movement of
22 commercial vehicles on a state highway.

23 (B) An automatic license plate reader system used under
24 subdivision ~~(b)(4)(A)~~ (b)(5)(A) of this section shall be installed at an
25 entrance ramp at a weigh station facility for the review of a commercial
26 motor vehicle entering the weigh station facility.

27
28 12-12-1804. Protections.

29 (a) ~~Captured~~ Except as provided under subsection (b) of this section,
30 captured plate data obtained for the purposes described under § 12-12-1803(b)
31 shall not be ~~used or shared for any other purpose and shall not be preserved~~
32 ~~for more than:~~

33 (1) Sixty (60) days by a private landowner, private leaseholder,
34 or commercial business; or

35 (2) ~~one~~ One hundred fifty (150) days by all other eligible
36 entities.

1 (b) Captured plate data obtained by an entity under § 12-12-1803(b)(1)
2 may be retained as part of an ongoing investigation and shall be destroyed at
3 the conclusion of either:

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

6 (2) Any criminal action undertaken in the matter involving the
7 captured plate data.

8 (c) A governmental entity that uses an automatic license plate reader
9 system under § 12-12-1803(b)(1) shall update the captured plate data
10 collected under this subchapter every twenty-four (24) hours if updates are
11 available.

12 (d)(1) Except as provided under subdivision (d)(2) of this section, a
13 governmental entity authorized to use an automatic license plate reader
14 system under § 12-12-1803(b) shall not sell, trade, or exchange captured
15 plate data for any purpose.

16 (2) Captured plate data obtained by a law enforcement agency
17 under § 12-12-1803(b)(1) that indicates evidence of an offense may be shared
18 with other law enforcement agencies.

19 (3) A governmental entity may only compel the release of
20 captured plate data from a user under § 12-12-1803(b)(2), § 12-12-1803(b)(3),
21 § 12-12-1803(b)(4), or § 25-16-705(a) through a valid subpoena.

22 (e)(1) Except as provided under subdivision (e)(2) of this section, a
23 private landowner, private leaseholder, or commercial business authorized to
24 use an automatic license plate reader system under § 12-12-1803(b) shall not
25 sell, trade, or exchange captured plate data for any commercial purpose.

26 (2)(A) Captured plate data obtained by a private landowner,
27 private leaseholder, or commercial business under § 12-12-1803(b)(4) may be
28 shared with a third-party processor providing asset protection analytical
29 services on the captured plate data as part of a contractual agreement with
30 the private landowner, private leaseholder, or commercial business.

31 (B) The terms of the contractual agreement shall expressly
32 prohibit a third-party processor from using the captured data for any other
33 purpose and impose a data retention period not to exceed sixty (60) days from
34 receipt of the captured plate data.

35
36 12-12-1805. Practice and usage data preservation.

1 (a) An entity that uses an automatic license plate reader system under
2 § 12-12-1803(b)(1), § 12-12-1803(b)(2), § 12-12-1803(b)(3), or § 12-12-
3 1803(b)(5) shall:

4 (1) Compile statistical data identified in subsection (b) of
5 this section every six (6) months into a format sufficient to allow the
6 general public to review the compiled data; ~~and~~

7 (2) Preserve the compiled data for eighteen (18) months; and

8 (3)(A) Promulgate rules and policies concerning the manner and
9 method of obtaining, retaining, and destroying captured plate data, including
10 without limitation specific rules and policies concerning retention of
11 material in excess of one hundred fifty (150) days under § 12-12-1804(b), and
12 make those rules and policies available for public inspection.

13 (B) Failure to comply with subdivision (a)(3)(A) of this
14 section shall be grounds for a court of competent jurisdiction to exclude any
15 evidence obtained under this subchapter.

16 (b) The preserved data shall include:

17 (1) The number of license plates scanned;

18 (2) The names of the lists against which captured plate data
19 were checked; and

20 (3) For each check of captured plate data against a list:

21 (A) The number of confirmed matches;

22 (B) The number of matches that upon further investigation
23 did not correlate to an alert; and

24 (C) The number of matches that resulted in arrest and
25 prosecution; ~~and~~

26 ~~(4)(A) Promulgate rules and policies concerning the manner and~~
27 ~~method of obtaining, retaining, and destroying captured plate data, including~~
28 ~~without limitation specific rules and policies concerning retention of~~
29 ~~material in excess of one hundred fifty (150) days under § 12-12-1804(b) and~~
30 ~~make those rules and policies available for public inspection.~~

31 ~~(B) Failure to comply with subdivision (b)(4)(A) of this~~
32 ~~section shall be grounds for a court of competent jurisdiction to exclude any~~
33 ~~evidence obtained under this subchapter.~~

34 (c) A private landowner, private leaseholder, or commercial business
35 that uses and automatic license plate reader system under § 12-12-1803(b)(4)
36 shall:

1 (1) Compile statistical data every six (6) months that includes
2 the:

3 (A) Number of license plates scanned; and

4 (B) Number of confirmed matches; and

5 (2) Make reports of the compiled plate data available in a
6 timely manner to the Legislative Council upon a request from the chairs of
7 the Legislative Council.

8
9 SECTION 3. Arkansas Code § 12-12-1807, concerning the penalties for a
10 violation of the Automatic License Plate Reader System Act, is amended to add
11 an additional subsection to read as follows:

12 (c) The Attorney General may bring an action to enforce a violation of
13 this subchapter under the Deceptive Trade Practices Act, § 4-88-101 et seq.