

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 446

By: Senator Gilmore

By: Representative Gazaway

For An Act To Be Entitled

AN ACT TO AMEND THE AUTOMATIC LICENSE PLATE READER SYSTEM ACT; TO PROVIDE FOR THE USE OF AUTOMATIC LICENSE PLATE READERS BY PRIVATE LANDOWNERS, PRIVATE LEASEHOLDER, AND COMMERCIAL BUSINESSES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE AUTOMATIC LICENSE PLATE READER SYSTEM ACT; AND TO PROVIDE FOR THE USE OF AUTOMATIC LICENSE PLATE READERS BY PRIVATE LANDOWNERS, PRIVATE LEASEHOLDER, AND COMMERCIAL BUSINESSES.

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

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

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

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

12-12-1803. Restrictions on use.

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



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

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

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

(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 a private landowner, private leaseholder, or commercial business for the purpose of promoting public safety, deterring crime, and monitoring access to private property owned or leased by the private landowner, private leaseholder, or commercial business, including ingress and egress to private property on a private road owned by the private landowner, private leaseholder, or commercial business; or

(5)(A) By the Arkansas Highway Police Division of the Arkansas 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.

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

12-12-1804. Protections.

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

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

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

(b) Captured plate data obtained by an entity under § 12-12-1803(b)(1) may be retained as part of an ongoing investigation and shall 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 plate data.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The preserved data shall include:

(1) The number of license plates scanned;

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

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

(A) The number of confirmed matches;

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

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

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

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

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

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

(A) Number of license plates scanned; and

(B) Number of confirmed matches; and

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

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

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

APPROVED: 4/16/25