

HOUSE BILL NO. 344

INTRODUCED BY D. ZOLNIKOV

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY PROHIBITING THE USE OF A LICENSE PLATE
5 SCANNER BY THE STATE OR A LOCAL GOVERNMENT; PROVIDING EXCEPTIONS; PROVIDING A
6 PENALTY FOR A VIOLATION OF THE PROHIBITION; ~~AND~~ LIMITING ACCESS TO INFORMATION OBTAINED
7 BY USING A LICENSE PLATE SCANNER; AND EXTENDING RULEMAKING AUTHORITY."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. Section 1. Use of license plate scanner prohibited -- exceptions -- definition --
12 penalty. (1) Except as provided in subsection (2), an agency or employee of the state or any subdivision of the
13 state may not use, either directly or indirectly, a license plate scanner on any public highway.

14 (2) (a) ~~An~~ THE DEPARTMENT OF TRANSPORTATION OR AN incorporated city or town may use a ~~license~~
15 LICENSE plate scanner:

16 (i) to collect data for city planning. If data is collected under this subsection (2)(a)(i), the DEPARTMENT OF
17 TRANSPORTATION OR city or town ~~must~~ SHALL ensure and maintain the anonymity of the vehicle, the vehicle owner,
18 the driver of the vehicle, and any passengers in the vehicle. Data collected under this subsection (2)(a)(i) WITHOUT
19 A SEARCH WARRANT OR OUTSIDE OF JUDICIALLY RECOGNIZED EXCEPTIONS TO SEARCH WARRANT REQUIREMENTS may
20 not be used to investigate or prosecute an individual or as evidence in court; ~~or,~~

21 (ii) in a regulated parking system. ~~The city or town may use the scanner,~~ BUT only to identify a vehicle's
22 location and license plate number to enforce parking restrictions.

23 (b) The department of transportation may use a device and equipment, including license plate scanners,
24 if necessary, to implement ~~and maintain the efficient and effective enforcement of laws governing the safety,~~
25 ~~licensing, registration, weight, height, length, width, or apportioning of motor carriers, as defined in 69-12-101,~~
26 61-10-101 THROUGH 61-10-104, 61-10-106 THROUGH 61-10-110, AND 61-10-154 if the devices or equipment are
27 used in screening operations associated with virtual ports of entry, weigh station ramps using automated weigh
28 station screening systems, virtual weigh stations using weigh-in-motion technology, or an automatic vehicle
29 identification system that enables participating transponder-equipped vehicles to be prescreened throughout the
30 nation at designated weigh stations, port-of-entry facilities, or agricultural interdiction facilities.

