



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2021-679, **Version:** 1

An ordinance amending Title 13 of the Metropolitan Code of Laws to clarify exemptions applicable to vehicle emissions sensors.

WHEREAS, Section 13.08.080 of the Metropolitan Code of Laws, which provides that it is unlawful to operate license plate scanners installed onto or within the public right-of-way, allows a limited exception for such use solely and exclusively in conjunction with a vehicle emissions sensor as part of an emissions inspection program; and

WHEREAS, the limited exception for vehicle emissions programs allows the Metropolitan Department of Health to contract with vehicle emissions vendors who rely upon emissions sensor technology to provide more efficient services to the Metropolitan Government; and

WHEREAS, implementation of the vehicle emissions sensor program relies upon remote detection of registered vehicle owners' emissions, followed by notification to owners of their compliance or non-compliance with emissions standards. In both instances, limited identification of vehicle owners is required. However, per Subsections 13.08.080(G)(3) and (5), no penalty or punitive action can result from determinations of non-compliance by the vehicle emissions sensor, and data used to pair a license plate number, VIN, or other unique identifier with a specific geographic location cannot be retained more than one week.

WHEREAS, to clarify the intent of Section 13.08.080(G), an amendment to Subsection 13.08.080(G)(2) is required in order to facilitate implementation of the vehicle emissions sensor.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. Section 13.08.080 of the Metropolitan Code of Laws is hereby amended by deleting Subsection 13.08.080(G)(2) and substituting the following:

(2) The data from the license plate scanner and vehicle emissions sensor is used solely and exclusively for purposes of determining compliance with vehicle emissions standards.

Section 2. Section 13.08.080 of the Metropolitan Code of Laws is hereby further amended by deleting Subsection 13.08.080(G)(5) and substituting the following:

(5) Data that can be used to pair a specific vehicle's license plate number, VIN, or other unique identifier with a specific geographic location shall not be recorded.

Section 3. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance amends the license plate reader (LPR) prohibition exemption for the emissions testing program per Section 13.08.080 of the Metro Code to clarify that capturing limited data specific to a vehicle is allowed

provided such data is not recorded. When Section 13.08.080 of the Metro Code was approved by Ordinance No. BL2017-457, an amendment was added to the bill to carve out an exception for LPRs used in conjunction with Metro's emissions testing program if the following criteria is satisfied:

1. The LPR is used solely and exclusively in conjunction with a vehicle emissions sensor as part of an emissions inspection program authorized under local, state, or federal law;
2. The data from the LPR and vehicle emissions sensor is used solely and exclusively for purposes of determining compliance with vehicle emissions standards and aggregating data in a manner that does not allow the identification of a person or persons;
3. A determination by the vehicle emissions sensor that a vehicle identified by the license plate scanner is not in compliance with applicable emissions standards shall not lead to any penalty or punitive action against the registered vehicle owner;
4. No fewer than two such license plate scanners shall be in operation within Davidson County at any given time; and
5. Data that can be used to pair a specific vehicle's license plate number, VIN, or other unique identifier with a specific geographic location shall not be retained for more than one week.

The Metro Health Department has determined that the implementation of such emissions testing technology in Nashville will require the utilization of data pertaining to the vehicle owner, but there is no need for the data to be retained. This ordinance modifies the second and fifth criteria listed above to allow the use of data to pair a specific vehicle's license plate number, VIN, or other unique identifier with a specific geographic location provided such data is not recorded.