



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2020-494, **Version:** 2

An ordinance to amend Section 13.08.080 of the Metropolitan Code relative to the use of license plate scanners by law enforcement for the prosecution of reckless drivers.

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

Section 1. That Section 13.08.080 of the Metropolitan Code is hereby amended by adding the following underlined provision at the beginning of subsection G:

G. Except as otherwise provided in subsection I. of this section, it is unlawful to operate any license plate scanner installed onto or within the public right-of-way, with the exception of uses that meet each of the following requirements:

Section 2. That Section 13.08.080 of the Metropolitan Code is hereby amended by adding the following new subsection I.:

I. This section shall not apply to the use of license plate scanners by law enforcement for the purpose of enforcing state and local laws pertaining to reckless driving, including but not limited to the prosecution of persons engaged in illegal drag racing activity at speeds in excess of 70 miles per hour, and for identifying stolen license plates used on vehicles driving recklessly. Unless specifically authorized herein, license plate readers shall not be used for any other purpose, including but not limited to surveillance. Any data collected shall be safeguarded to ensure such data is encrypted and, to the extent permitted by Tennessee law, is not accessible to individuals or entities unrelated to the investigation or prosecution of reckless driving and illegal drag racing. License plate scanners used for this purpose shall be limited to use along arterial streets and controlled access highways, including exit and entrance ramps. To the fullest extent permitted by state law, license plate data shall only be retained during the pendency of the prosecution and shall be destroyed following the final disposition of the case. To the extent permitted by Tennessee law, the data captured by these license plate scanners shall not be held for more than 30 days unless the data is retained or stored as part of an ongoing investigation, and in that case, the data shall be destroyed at the conclusions 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 data. The data captured by the license plate scanners shall be shared with law enforcement outside of Metropolitan Nashville and Davidson County only to the extent necessary to investigate violations of state and local laws pertaining to reckless driving and illegal drag racing activity at speeds in excess of 70 miles per hour, including the identification of stolen license plates. If such data is shared with law enforcement outside of Metropolitan Nashville and Davidson County, the Metropolitan Nashville Police Department shall post notification of such on its website within 15 days after sharing. This subsection shall be null and void 180 days after the effective date of this subsection, unless extended by resolution of the metropolitan council. This provision, commonly known as a "sunset provision," is included to ensure that the effectiveness and necessity of this section is reviewed by the metropolitan council after its adoption.

Section 3. This ordinance shall take effect from and after its final passage, the welfare of the public requiring it.

Analysis

This ordinance, as amended, amends Section 13.08.080 of the Metropolitan Code to create an exception from the prohibition on license plate readers. The Code currently prohibits the operation of license plate scanners installed onto or within the public right-of-way except for use in conjunction with a vehicle emissions sensor as part of an emissions inspection program authorized under local, state or federal law.

This ordinance would create another exception from the license plate scanner ban to allow the use of such scanners by law enforcement for the purpose of enforcing state and local laws pertaining to reckless driving, especially for the prosecution of persons engaged in illegal drag racing activity at speeds in excess of 70 miles per hour and at mass gatherings within the right-of-way or when intersections are unlawfully shut down to accommodate drag racing activity. The legislation would also allow for the data to be used to identify stolen license plates on vehicles driving recklessly.

License plate scanners would be limited to use along arterial streets and controlled access highways, including exit and entrance ramps.

To the extent permitted by state law, license plate data could only be retained for 30 days, unless part of an ongoing investigation. If retained as part of an investigation, the data would be destroyed upon the conclusion of an investigation that does not result in any criminal charges or the conclusion of any criminal action undertaken involving the data. Data could be shared with law enforcement outside of Metro only to the extent necessary to investigate reckless driving and illegal drag racing, including identification of stolen license plates. If shared, the Metro Nashville Police Department would be required to post notification of such on its website within 15 days after sharing.

This legislation would sunset after 180 days, unless extended by a resolution of the Council.