

JOEL ANDERSON

SENATOR, THIRTY-EIGHTH DISTRICT

SB 712: Vehicles: license plate covers.

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SUMMARY

Current law allows automobile owners to cover their parked vehicle to protect it from the weather and the elements so long as peace officers or parking enforcement officials are able to temporarily remove so much of the cover as is necessary to inspect any license plate, tab, or indicia of registration on that vehicle. The bill would allow individuals to cover their license plates on the same conditions: 1) only when parked and 2) if an officer can easily reveal the plate manually.

BACKGROUND

As the Atlantic wrote earlier this year, private license plate reader firms present an “unprecedented threat to privacy.” A number of private companies are collecting billions of license plate scans through a system of private contractors who drive through neighborhoods with high-speed cameras.

For the most part, these cameras are mobile (i.e. mounted to private vehicles) and therefore can collect hundreds of license plates from parked cars just by driving loops through a parking lot or around a city block.

These immense datasets are then made available to a variety of private actors, including financial lenders, insurance companies, and debt collectors. There is nothing precluding a company from making these datasets publicly available or widely available for purchase.

These dataset systems can invade personal privacy by revealing your travel patterns, such as where your children go to school, where you sleep at night, what doctors you visit, and where you worship. DRN even claims it can identify the people you

associate with by matching cars often seen in similar locations.

In addition, these systems are insecure. One of these data collection companies, for example, recently acknowledged in federal court that several subcontractors had installed splitters on the cameras systems, thereby siphoning off data for external purposes.

Under California law, a driver is forbidden from obscuring their license plates from ALPR capture—with a few exceptions. A driver may employ “a cover over a lawfully parked vehicle to protect it from the weather and the elements,” provided a law enforcement officer may easily lift the cover to see the plate. A driver may also obscure the license plate with a wheelchair mount.

THE PROBLEM

Private collection of license plate data through ALPR poses a grave threat to privacy. Currently, the only thing keeping this information from going public is the companies themselves. Unlike law enforcement ALPR, these companies maintain the data indefinitely with no public accountability. In the event a company decides to make this data available to the general public, or a company suffers a serious data breach, many people will be put at risk. Among those most at risk are law enforcement officers, their family, their sources, victims, and witness, as well as judges and prosecutors. The massive amount of ALPR data out there can potentially reveal sensitive information, such as where you live, your travel routine, where you worship, where you go for medical treatment, where you drop your kids off at school. The data can also predict where you might on a certain day and

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identify known associates (such as your family) based on vehicles regularly in the same vicinity.

In addition, some companies running private ALPR may be engaged in unfair debt collection and insurance programs by making this available to the financial and insurance companies.

THE SOLUTION

The current vehicle code prevents drivers from doing anything to their plates to impede ALPR. However, there is one big exception: individuals can put on a full car cover to protect their vehicle from the elements on two conditions: if the car is parked and an officer can easily lift a flap to view the plate.

There are several benefits to this, especially for law enforcement. Obviously, it would allow officers to protect their families with these plates. But also this proposal does not create any new burden for law enforcement: no new paperwork, no new processes. It would not impede law enforcement from using ALPR as a tool for identifying moving vehicles.

There may be a question about whether this would make it more difficult for law enforcement investigations. However, criminals seeking to hide their vehicles already have the ability to cover their entire vehicles. Under this proposal, law enforcement would still be able to see the color, make, and model of a vehicle, as well as physically inspect a suspect vehicle.