

## HOUSE BILL NO. HB0181

Biometric data and license plate readers-regulation.

Sponsored by: Representative(s) Singh, Andrew and Provenza  
and Senator(s) Ide, Pearson and Rothfuss

A BILL

for

1 AN ACT relating to the administration of the government;  
2 prohibiting governmental entities from using biometric data  
3 to identify a person or verify a person's identity;  
4 prohibiting governmental entities from using geolocation  
5 data to identify the location of a person or motor vehicle;  
6 prohibiting governmental entities from using automatic  
7 license plate reader systems to identify motor vehicles or  
8 collect fees on highways; prohibiting governmental entities  
9 from contracting with third party vendors to use biometric  
10 data, geolocation data and automatic license plate reader  
11 systems; requiring governmental entities to adopt policies  
12 as specified; providing exceptions; providing a civil cause  
13 of action; amending the Wyoming Governmental Claims Act;  
14 providing definitions; making conforming amendments;

1 specifying applicability; and providing for an effective  
2 date.

3

4 *Be It Enacted by the Legislature of the State of Wyoming:*

5

6 **Section 1.** W.S. 1-39-125 and 9-30-101 through  
7 9-30-107 are created to read:

8

9 **1-39-125. Liability; biometric data, geolocation data**  
10 **and automatic license plate reader systems.**

11

12 A governmental entity is liable for damages resulting from  
13 a violation of W.S. 9-30-101 through 9-30-107.

14

15 CHAPTER 30

16 PROHIBITION ON USING BIOMETRIC DATA, GEOLOCATION DATA AND

17 AUTOMATIC LICENSE PLATE READER SYSTEMS

18

19 **9-30-101. Definitions.**

20

21 (a) As used in this chapter:

22

1           (i) "Automatic license plate reader system"  
2 means a system of one (1) or more mobile or fixed automated  
3 high speed cameras used in combination with computer  
4 algorithms to convert images of license plates into  
5 computer-readable data that is used to identify a motor  
6 vehicle. "Automatic license plate reader system" shall not  
7 include a video system equipped on a school bus under W.S.  
8 21-3-131(b) (x);

9

10           (ii) "Biometric data" means data generated by  
11 measurements or analysis of a person's biological, physical  
12 or behavioral characteristics that is used to identify a  
13 person or verify a person's identity. "Biometric data"  
14 includes a fingerprint, palm print, voiceprint, vocal  
15 biomarkers, eye retina or iris scan, hand geometry, facial  
16 geometry or templates, facial recognition outputs, gait  
17 patterns or rhythms or any other biological, physical or  
18 behavioral pattern or characteristic that is used to  
19 identify a specific person. "Biometric data" shall not  
20 include:

21

22           (A) A physical or digital photograph or  
23 data derived or generated from a physical or digital

1 photograph unless the physical or digital photograph is  
2 subjected to biometric processing or retained for the  
3 purpose of biometric processing at any point for  
4 identification or verification purposes;

5

6 (B) A video or audio recording or data  
7 derived or generated from a video or audio recording unless  
8 the video or audio recording is subjected to biometric  
9 processing or retained for the purpose of biometric  
10 processing at any point for identification or verification  
11 purposes;

12

13 (C) Information collected, used or stored  
14 for health care treatment, payment or operations under the  
15 federal Health Insurance Portability and Accountability  
16 Act;

17

18 (D) Information that cannot be used to  
19 identify a person, including anonymized or aggregated  
20 information;

21

22 (E) Genetic information, including  
23 deoxyribonucleic acid located in the cells, genetic markers

1 or any analysis, profile or data derived from the  
2 deoxyribonucleic acid.

3

4 (iii) "Biometric processing" means the  
5 application of an algorithm or automated method to derive  
6 identifiers or templates from a physical or digital  
7 photograph or video or audio recording for the purpose of  
8 identifying a person or verifying a person's identity;

9

10 (iv) "Commercial vehicle" means as defined by  
11 W.S. 31-1-101(a)(i);

12

13 (v) "Geolocation data" means information derived  
14 from technology, including an automatic license plate  
15 reader system and global positioning system latitude and  
16 longitude coordinates or other mechanisms that directly  
17 identifies the specific location of a person or motor  
18 vehicle within a radius of one thousand seven hundred fifty  
19 (1,750) feet. "Geolocation data" shall not include data  
20 generated by or connected to utility metering  
21 infrastructure systems or equipment for use by a utility;

22

1           (vi) "Governmental entity" means the state and  
2 all its political subdivisions, agencies, instrumentalities  
3 and institutions and any local government entity and its  
4 agencies, instrumentalities and institutions;

5  
6           (vii) "Law enforcement agency" means a county,  
7 municipal, college or university police force, Wyoming  
8 highway patrol, the division of criminal investigation, the  
9 department of corrections or any state or local agency or  
10 political subdivision or part of an agency or political  
11 subdivision to the extent that the primary purpose of the  
12 agency or political subdivision, or part thereof, is the  
13 prevention or investigation of crime or the enforcement of  
14 penal, traffic or criminal laws. "Law enforcement agency"  
15 shall not include the office of any city, county or  
16 district attorney or other division of the attorney  
17 general;

18  
19           (viii) "Motor vehicle" means as defined by W.S.  
20 31-1-101(a)(xv);

21  
22           (ix) "Violent felony" means as defined by W.S.  
23 6-1-104(a)(xii).

1

2           **9-30-102. Prohibition of biometric data, geolocation**  
3 **data and automatic license plate reader systems.**

4

5           (a) Except as provided by W.S. 9-30-103 and 9-30-104,  
6 no governmental entity shall:

7

8                   (i) Obtain, retain, possess, access, request or  
9 use:

10

11                           (A) Biometric data to identify a person or  
12 verify a person's identity;

13

14                           (B) Geolocation data to identify the  
15 specific location of a person or motor vehicle; or

16

17                           (C) An automatic license plate reader  
18 system to identify a motor vehicle.

19

20                           (ii) Install or equip an automatic license plate  
21 reader system on public buildings or on public roads and  
22 highways in this state;

23

1           (iii) Use an automatic license plate reader  
2 system to collect tolls, road usage charges, congestion  
3 fees or any similar charges or fees imposed on public roads  
4 or highways in this state; or

5

6           (iv) Enter into an agreement with a third party  
7 vendor to perform any of the activities listed in  
8 paragraphs (i) through (iii) of this subsection.

9

10           (b) No governmental entity shall:

11

12           (i) Purchase or subscribe to biometric data,  
13 geolocation data or data derived from an automatic license  
14 plate reader system from a third party if the governmental  
15 entity would be prohibited from collecting the data  
16 directly under this chapter or would be required to obtain  
17 a warrant to collect the data;

18

19           (ii) Share biometric data, geolocation data or  
20 data derived from an automatic license plate reader system  
21 to any person outside the governmental entity's  
22 jurisdiction, except pursuant to a warrant;

23

1           (iii) Sell or convey biometric data, geolocation  
2 data or data derived from an automatic license plate reader  
3 system to a private, nongovernmental third party for any  
4 reason.

5

6           **9-30-103. Use of biometric data and geolocation data**  
7 **by law enforcement agencies.**

8

9           (a) A law enforcement agency shall only obtain,  
10 retain, possess, access, request or use biometric data or  
11 geolocation data for one (1) or more of the following  
12 purposes:

13

14           (i) Investigating a violent felony when there is  
15 probable cause to believe that an unidentified person has  
16 committed, is a victim of or is a witness to a violent  
17 felony;

18

19           (ii) Assisting in the location or identification  
20 of a missing or endangered person; or

21

22           (iii) Assisting in the identification of a  
23 person who is deceased or believed to be deceased.

1

2 (b) Except as provided in subsection (c) of this  
3 section, a law enforcement agency shall obtain a warrant  
4 prior to obtaining biometric data or geolocation data for  
5 purposes authorized under subsection (a) of this section.

6

7 (c) A law enforcement agency may obtain biometric  
8 data or geolocation data prior to the issuance of a warrant  
9 if access to the biometric data or geolocation data will  
10 reduce or mitigate an emergency that poses an imminent  
11 threat of serious physical harm to a person.

12

13 (d) No law enforcement agency shall use the results  
14 of a search using biometric data or geolocation data as the  
15 sole basis to establish probable cause in a criminal  
16 investigation. The results of a search using biometric data  
17 or geolocation data shall be used in conjunction with other  
18 information and evidence lawfully obtained by the law  
19 enforcement agency to establish probable cause in a  
20 criminal investigation.

21

22 **9-30-104. Use of automatic license plate reader**  
23 **systems.**

1

2 (a) A law enforcement agency shall only use an  
3 automatic license plate reader system for the purpose of  
4 identifying a motor vehicle that is:

5

6 (i) Reported stolen by the motor vehicle's  
7 registered owner;

8

9 (ii) Associated with a wanted, deceased, missing  
10 or endangered person;

11

12 (iii) Registered to a person that has an  
13 outstanding arrest warrant;

14

15 (iv) Involved in a case-specific criminal  
16 investigative surveillance;

17

18 (v) Involved in a violent felony; or

19

20 (vi) In the vicinity of a recent crime and may  
21 be connected to that crime.

22

1           (b) Except as provided in subsection (c) of this  
2 section, a law enforcement agency shall obtain a warrant  
3 prior to using an automatic license plate reader system for  
4 purposes authorized under subsection (a) of this section.

5

6           (c) A law enforcement agency may use an automatic  
7 license plate reader system prior to the issuance of a  
8 warrant if paragraph (a)(i) of this section applies or if  
9 using the automatic license plate reader system will reduce  
10 or mitigate an emergency that poses an imminent threat of  
11 serious physical harm to a person.

12

13           (d) The department of transportation and a law  
14 enforcement agency shall only install and use an automatic  
15 license plate reader system for the purpose of identifying  
16 a motor vehicle:

17

18                   (i) At ports of entry;

19

20                   (ii) At weigh stations, including weigh station  
21 ramps;

22

1           (iii) For violations of commercial vehicle  
2 requirements under title 31 of the Wyoming statutes.

3

4           (e) Except as otherwise provided in this section, a  
5 governmental entity shall only use an automatic license  
6 plate reader system for the sole purpose of identifying a  
7 motor vehicle to regulate the use of parking facilities to  
8 enforce parking restrictions and to control access to  
9 secured areas.

10

11           **9-30-105. Policies relating to biometric data,**  
12 **geolocation data and automatic license plate reader**  
13 **systems.**

14

15           (a) Each governmental entity that obtains, retains,  
16 possesses, accesses, requests or uses biometric data,  
17 geolocation data or data derived from an automatic license  
18 plate reader system as authorized under this chapter shall  
19 adopt and maintain a written policy regarding the use of  
20 biometric data, geolocation data or an automatic license  
21 plate reader system.

22

1           (b) The written policy adopted and maintained by a  
2 governmental entity under subsection (a) of this section  
3 shall, at a minimum, include:

4

5           (i) A statement regarding the specific purposes  
6 for which biometric data, geolocation data or an automatic  
7 license plate reader system may be used in accordance with  
8 all applicable federal and state laws, including this  
9 chapter;

10

11           (ii) A maximum retention period of not more than  
12 seven (7) days for biometric data, geolocation data and  
13 data derived from an automatic license plate reader system  
14 that is not associated with an active investigation or  
15 enforcement action and procedures for timely deletion of  
16 that data;

17

18           (iii) Access control measures, including  
19 role-based permissions, logging of all access and monthly  
20 audits;

21

1           (iv) Restrictions on disclosure or sharing of  
2 biometric data, geolocation data and data derived from an  
3 automatic license plate reader system;

4

5           (v) Security requirements for storage of  
6 biometric data, geolocation data and data derived from an  
7 automatic license plate reader system, including encryption  
8 and breach notification procedures;

9

10          (vi) The governmental entity's obligations,  
11 including compliance with applicable federal and state law,  
12 breach notification timelines and certification of data  
13 destruction;

14

15          (vii) Mandatory training for all persons  
16 involved in obtaining, retaining, possessing, accessing,  
17 requesting or using biometric data, geolocation data or  
18 data derived from an automatic license plate reader system.  
19 The mandatory training under this paragraph shall not be  
20 created or administered by a private entity whose business  
21 involves collecting biometric data, geolocation data or  
22 data derived from an automatic license plate reader system.

23

1           **9-30-106. Civil cause of action.**

2

3 A person aggrieved by a violation of this chapter may bring  
4 a civil cause of action against a governmental entity for  
5 damages, injunctive relief or both in a court of competent  
6 jurisdiction.

7

8           **9-30-107. Evidentiary prohibition.**

9

10 No biometric data, geolocation data or data derived from an  
11 automatic license plate reader system that is accessed in  
12 violation of this chapter shall be admissible as evidence  
13 in any civil or criminal proceeding, except to prove a  
14 violation of this chapter in accordance with W.S. 9-30-106.

15

16           **Section 2.** W.S. 1-39-104(a) is amended to read:

17

18           **1-39-104. Granting immunity from tort liability;**  
19 **liability on contracts; exceptions.**

20

21           (a) A governmental entity and its public employees  
22 while acting within the scope of duties are granted  
23 immunity from liability for any tort except as provided by

1 W.S. 1-39-105 through 1-39-112 and 1-39-122 through  
2 ~~1-39-124~~ 1-39-125. Any immunity in actions based on a  
3 contract entered into by a governmental entity is waived  
4 except to the extent provided by the contract if the  
5 contract was within the powers granted to the entity and  
6 was properly executed and except as provided in W.S.  
7 1-39-120(b). The claims procedures of W.S. 1-39-113 apply  
8 to contractual claims against governmental entities.

9

10 **Section 3.** Nothing in this act shall be construed to  
11 modify or impair existing contracts or obligations  
12 regarding biometric data, geolocation data or an automatic  
13 license plate reader system executed before July 1, 2026.

14

15 **Section 4.** This act is effective July 1, 2026.

16

17

(END)