

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 189, Page 106, Section 556.039, Line 7,
2 by inserting after said section and line the following:
3

4 "565.260. 1. Except as provided in subsection 2 of this section, a person commits the
5 offense of unlawful tracking of a motor vehicle if the person knowingly installs, conceals, or
6 otherwise places an electronic tracking device in or on a motor vehicle without the consent of all
7 owners of the vehicle for the purpose of monitoring or following an occupant or occupants of the
8 vehicle. As used in this section, "person" does not include the manufacturer of the motor vehicle.

9 2. (1) It shall not be an offense under this section if the installing, concealing, or placing of
10 an electronic tracking device in or on a motor vehicle is by, or at the direction of, a law enforcement
11 officer in furtherance of a criminal investigation and such investigation is carried out in accordance
12 with applicable state and federal law.

13 (2) If the installing, concealing, or placing of an electronic tracking device in or on a motor
14 vehicle is by, or at the direction of, a parent or legal guardian who owns or leases the vehicle, and if
15 the device is used solely for the purpose of monitoring the minor child of the parent or legal
16 guardian when the child is an occupant of the vehicle, the installation, concealment, or placement of
17 the device in or on the vehicle without the consent of any or all occupants of the vehicle shall not be
18 an offense under this section.

19 (3) It shall not be an offense under this section if the installing, concealing, or placing of an
20 electronic tracking device in or on a motor vehicle is for the purpose of tracking the location of
21 stolen goods being transported in the vehicle or for the purpose of tracking the location of the
22 vehicle if the motor vehicle is stolen.

23 (4) It shall not be an offense under this section if the installing, concealing, or placing of an
24 electronic tracking device in or on a motor vehicle is by a legally authorized representative of a
25 vulnerable adult. As used in this subdivision, "vulnerable adult" means any person eighteen years of
26 age or older who is impaired by reason of mental illness, intellectual or developmental disability,
27 physical illness or disability, or other causes, including age, to the extent the adult lacks sufficient
28 understanding or capacity to make, communicate, or carry out reasonable decisions concerning his
29 or her well-being or has one or more limitations that substantially impair the adult's ability to

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1 independently provide for his or her daily needs or safeguard his or her person, property, or legal
2 interests.

3 (5) If the installing, concealing, or placing of an electronic tracking device in or on a motor
4 vehicle is by, or at the direction of, a person who obtains consent from all owners of the vehicle, the
5 installation, concealment, or placement of the device in or on the vehicle shall not be an offense
6 under this section.

7 (6) It shall not be an offense under this section if the installing, concealing, or placing of an
8 electronic tracking device in or on a motor vehicle is by a vehicle rental, sharing, or leasing
9 company that rents motor vehicles for the purpose of tracking or managing the motor vehicles
10 owned by such company or providing services to customers.

11 (7) It shall not be an offense under this section if the installing, concealing, or placing of an
12 electronic tracking device in or on a motor vehicle is by a lienholder or agent of a lienholder acting
13 to track the movement or location of a motor vehicle in order to repossess the motor vehicle.

14 (8) It shall not be an offense under this section if the installing, concealing, or placing of an
15 electronic tracking device in or on a motor vehicle is for any party to participate in a voluntary
16 usage-based insurance program. "Voluntary usage-based insurance program" shall mean any
17 program implemented by, or on behalf of, an insurance company that collects, records, or transmits
18 information relating to driving behavior of an insured party.

19 3. The provisions of this section shall not apply to a tracking system installed by the
20 manufacturer of a motor vehicle.

21 4. The offense of unlawful tracking of a motor vehicle is a class A misdemeanor for a first
22 offense and a class E felony for any second or subsequent offense."; and

23
24 Further amend said bill by amending the title, enacting clause, and intersectional references
25 accordingly.