

FIRST REGULAR SESSION

HOUSE BILL NO. 978

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE IRWIN.

2351H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 565, RSMo, by adding thereto one new section relating to the offense of unlawful tracking of a motor vehicle, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 565, RSMo, is amended by adding thereto one new section, to be
2 known as section 565.260, to read as follows:

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

7 **2. (1) It shall not be an offense under this section if the installing, concealing, or
8 placing of an electronic tracking device in or on a motor vehicle is by, or at the direction
9 of, a law enforcement officer in furtherance of a criminal investigation and such
10 investigation is carried out in accordance with applicable state and federal law.**

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

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

21 **(4) It shall not be an offense under this section if the installing, concealing, or**
22 **placing of an electronic tracking device in or on a motor vehicle is by a lienholder or**
23 **agent of a lienholder acting to track the movement or location of a motor vehicle in**
24 **order to repossess the motor vehicle.**

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

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

40 **(7) It shall not be an offense under this section if the installing, concealing, or**
41 **placing of an electronic tracking device in or on a motor vehicle is by a private**
42 **investigator if the private investigator obtains consent from all persons who own or lease**
43 **the motor vehicle.**

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

46 **4. The offense of unlawful tracking of a motor vehicle is a class B misdemeanor.**

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