

SECOND REGULAR SESSION

HOUSE BILL NO. 1992

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE IRWIN.

4244H.01I

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 known as section 565.260, to read as follows:

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

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

(2) If the installing, concealing, or placing of an electronic tracking device in or on a motor vehicle is by, or at the direction of, a parent or legal guardian who owns or leases the vehicle, and if the device is used solely for the purpose of monitoring the minor child of the parent or legal guardian when the child is an occupant of the vehicle, the installation, concealment, or placement of the device in or on the vehicle without the 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 legally
23 authorized representative of a vulnerable adult. As used in this subdivision,
24 "vulnerable adult" means any person eighteen years of age or older who is impaired
25 by reason of mental illness, intellectual or developmental disability, physical illness or
26 disability, or other causes, including age, to the extent the adult lacks sufficient
27 understanding or capacity to make, communicate, or carry out reasonable decisions
28 concerning his or her well-being or has one or more limitations that substantially impair
29 the adult's ability to independently provide for his or her daily needs or safeguard his or
30 her person, property, or legal interests.

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

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 lienholder or
42 agent of a lienholder acting to track the movement or location of a motor vehicle in
43 order to repossess the motor vehicle.

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

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

52 **4. The offense of unlawful tracking of a motor vehicle is a class A misdemeanor**
53 **for a first offense and a class E felony for any second or subsequent offense.**

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