

1 **UNLAWFUL INSTALLATION OF A TRACKING DEVICE**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Marie H. Poulson**

5 Senate Sponsor: Kirk A. Cullimore

6

LONG TITLE

7 **General Description:**

8 This bill imposes criminal penalties for installing a tracking device without proper
9 authorization.
10

11 **Highlighted Provisions:**

12 This bill:
13 ▶ defines terms;
14 ▶ makes it a class A misdemeanor for a person or licensed private investigator to
15 unlawfully install a tracking device; and
16 ▶ describes the circumstances under which a peace officer is not governed under the
17 provisions of this bill.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 ENACTS:

24 **76-9-408**, Utah Code Annotated 1953

25

Be it enacted by the Legislature of the state of Utah:

26 Section 1. Section **76-9-408** is enacted to read:
27



28 **76-9-408. Unlawful installation of a tracking device.**

29 (1) As used in this section:

30 (a) "Motor vehicle" means the same as that term is defined in Subsection
31 [41-12a-103\(4\)](#).

32 (b) "Private investigator" means an individual who is:

33 (i) licensed as a private investigator under Title 53, Chapter 9, Private Investigator
34 Regulation Act; and

35 (ii) acting in the capacity of a private investigator.

36 (c) ~~It~~ (i) ~~is~~ "Tracking device" means a device ~~that~~ **[that reveals]** **used for the primary**
36a **purpose of revealing** ~~the~~ the device's location or movement by
37 the transmission or recording of an electronic signal.

37a ~~It~~ (ii) **"Tracking device" does not include location technology installed on a vehicle by the**
37b **vehicle manufacturer of a commercial vehicle dealer that transmits electronic signals for**
37c **purposes of data collection, if the data collection is anonymized.** ~~It~~

38 (2) Except as provided in Subsection (3), a person is guilty of unlawful installation of a
39 tracking device if the person knowingly installs, or directs another to install, a tracking device
40 on a motor vehicle owned or leased by another person.

41 (3) A person is not guilty of unlawful installation of a tracking device if the person
42 installs the tracking device on a motor vehicle:

43 (a) (i) with the consent of the owner or lessee of the motor vehicle; or

44 (ii) if the person is a private investigator, with the written consent of the owner or
45 lessee of the motor vehicle;

46 (b) under the direction of an individual whom the person reasonably believes to be a
47 peace officer authorized to install the tracking device in the course of a criminal investigation
48 or pursuant to a court order; or

49 (c) pursuant to a court order.

50 (4) Unlawful installation of a tracking device is a class A misdemeanor.

51 (5) This section does not apply to a peace officer, acting in the peace officer's official
52 capacity, who installs a tracking device on a motor vehicle in the course of a criminal
53 investigation or pursuant to a court order.