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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO CRIMINAL OFFENSES-ELECTRONIC TRACKING OF MOTOR
VEHICLES

Introduced By: Senator Daniel DaPonte

Date Introduced: April 27, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-69-1 of the General Laws in Chapter 11-69 entitled "Electronic
2 Tracking of Motor Vehicles" is hereby amended to read as follows:

3 **11-69-1. Electronic tracking of motor vehicles.**

4 (a)(1) Except as provided in subsection (b) of this section, it is an offense for a person to
5 knowingly install, conceal, or otherwise place or use an electronic tracking device in or on a
6 motor vehicle without the consent of the operator and all occupants of the vehicle for the purpose
7 of monitoring or following the operator, occupant, or occupants of the vehicle.

8 (2) *Definitions.* As used in this section:

9 (i) The term "dealer" has the same meaning as set forth in § 31-5-5 and includes, for
10 purposes of this section, an assignee of the dealer;

11 (ii) The term "person" does not include the manufacturer of the motor vehicle, provider of
12 telematics equipment and services, or entities that rent motor vehicles; and

13 (iii) The term "starter interrupt technology" means technology used to remotely disable
14 the starter of a motor vehicle.

15 (b)(1) It shall not be a violation if the installation, concealment, placement, or use of an
16 electronic tracking device in or on a motor vehicle is by, or at the direction of, a law enforcement
17 officer in furtherance of a criminal investigation and is carried out in accordance with the
18 applicable state and federal law.

1 (2) If the installation, concealment, placement, or use of an electronic tracking device in
2 or on a motor vehicle is by, or at the direction of, a parent or legal guardian who owns or leases
3 the vehicle, and if the device is used solely for the purpose of monitoring the minor child of the
4 parent or legal guardian when the child is an occupant of the vehicle, then the installation,
5 concealment, placement, or use of the device in or on the vehicle without the consent of any or all
6 occupants in the vehicle shall not be a violation, unless the person utilizing the tracking device
7 has an active restraining order or no contact order against them for the protection of any vehicle
8 occupant.

9 (3) It shall not be a violation of this section if an electronic tracking device is attached to
10 stolen goods for the purpose of tracking the location of the stolen goods, whether or not they may
11 be transported in a vehicle, or if installed, concealed, placed, or used in or on a vehicle as a
12 vehicle theft recovery device.

13 (4) It shall not be a violation of this section if an electronic tracking device, including but
14 not limited to devices also containing technology used to remotely disable the starter of a motor
15 vehicle, is installed and/or used by a motor vehicle dealer in connection with the credit sale, loan,
16 or lease of a motor vehicle with the express written consent of the vehicle's purchaser, lessor, or
17 lessee.

18 (5) It shall not be a violation of this section if an electronic tracking device is installed
19 and/or used by a business that is authorized to transact business in this state and the tracking
20 device is used by the business for the purpose of tracking vehicles that are owned or leased by the
21 business and driven by employees of that business, its affiliates, or contractors of that business or
22 its affiliates.

23 (6) It shall not be a violation of this section if the installation, concealment, placement, or
24 use of an electronic tracking device in or on a motor vehicle is by, or at the direction of, a
25 licensed private detective or a licensed bail bondsman in furtherance of operating their business in
26 accordance with applicable state or federal law.

27 (c) The provisions of subsection (b) of this section shall not apply to any person utilizing
28 the tracking device who is the subject of an active restraining order or no contact order for the
29 protection of any vehicle occupant.

30 (d) ~~(e)~~ The provisions of this section shall not apply to a tracking system installed by the
31 manufacturer of a motor vehicle, a provider of telematics equipment and services, or installed
32 and/or used by an entity renting out vehicles, or installed or provided by an insurance company
33 with the vehicle owner's or vehicle lessee's permission to monitor driving habits for insurance
34 rating purposes.

1 (d) A violation of this section is a misdemeanor punishable by up to one year in prison, or
2 up to a one thousand dollar (\$1,000) fine, or both.

3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would exempt from violation the installation, concealment, placement, or use of
2 an electronic tracking device in or on a motor vehicle by a licensed private detective or a licensed
3 bail bondsman if in furtherance of operating their business in accordance within the scope of
4 applicable state or federal law. This act would also prohibit the use of an electronic tracking
5 device by any person who is the subject of an active order of protection or restraining order for
6 the protection of the occupants of a vehicle.

7 This act would take effect upon passage.

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