

508.152 Unlawful use of a tracking device.

- (1) As used in this section:
 - (a) "Motor vehicle" has the same meaning as "vehicle" in KRS 186.010(8)(a);
 - (b) "Protective order" has the same meaning as in KRS 508.130; and
 - (c) "Tracking device" means an electronic or mechanical device that is designed or intended to allow a person to remotely determine or track the position or movement of another person or an object, regardless of whether that information is recorded.
- (2) A person is guilty of unlawful use of a tracking device when he or she intentionally:
 - (a) Installs or places a tracking device, or causes a tracking device to be installed or placed, in or on a motor vehicle without the knowledge and consent of the owner of the motor vehicle or, if the motor vehicle is leased, the lessee or authorized operator of the motor vehicle;
 - (b) Tracks the location of a motor vehicle with a tracking device without the knowledge and consent of either the owner or the authorized operator of the motor vehicle or, if the motor vehicle is leased, either the lessee or authorized operator of the motor vehicle;
 - (c) While being the restrained party under a protective order, uses a tracking device to track the location of a motor vehicle operated or occupied by an individual protected under the order; or
 - (d) While on probation or parole for a crime defined in KRS Chapter 508, uses a tracking device to track the location of a motor vehicle operated or occupied by a victim of the crime or by a family member of the victim of the crime without the knowledge and consent of the victim or family member.
- (3) Unlawful use of a tracking device is a Class A misdemeanor.
- (4) Subsection (2) of this section does not apply to the installation or use of any:
 - (a) Device providing vehicle tracking for purposes of providing mechanical, operational, directional, navigation, weather, or traffic information to the operator of the vehicle;
 - (b) Device for providing emergency assistance to the operator or passengers of the vehicle under the terms and conditions of a subscription service, including any trial period of that subscription service;
 - (c) Device for providing missing vehicle assistance for the benefit of the owner or operator of the vehicle;
 - (d) Device providing diagnostic services regarding the mechanical operation of a vehicle under the terms and conditions of a subscription service, including any trial period of the subscription service;
 - (e) Device or service providing the lessee of the vehicle with clear notice that the vehicle may be tracked. For a lessor who installs a tracking device subsequent to the original vehicle manufacture, the notice shall be provided in writing with an acknowledgment signed by the lessee, regardless of whether the tracking device is original equipment, a retrofit, or an aftermarket product. The requirement for written acknowledgment placed upon the lessor is not

imposed upon the manufacturer of the tracking device or the manufacturer of the vehicle;

- (f) Tracking device by the parent or guardian of a minor on any vehicle owned or leased by that parent or guardian of the minor, and operated by the minor; or
- (g) Tracking device by a police officer while lawfully performing his or her duties as a police officer.

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