

1 AN ACT relating to crimes and punishments.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Motor vehicle" means "vehicle as defined in KRS 186.010(8)(a);*

7 *(b) "Protective order" has the same meaning as KRS 508.130; and*

8 *(c) "Tracking device" means an electronic or mechanical device that is*
9 *designed or intended to allow a person to remotely determine or track the*
10 *position or movement of another person or an object, regardless of whether*
11 *that information is recorded.*

12 *(2) A person is guilty of unlawful use of a tracking device when he or she*
13 *intentionally:*

14 *(a) Installs or places a tracking device, or causes a tracking device to be*
15 *installed or placed, in or on a motor vehicle without the knowledge and*
16 *consent of the owner of the motor vehicle or, if the motor vehicle is leased,*
17 *the lessee of the motor vehicle;*

18 *(b) Tracks the location of a motor vehicle with a tracking device without the*
19 *knowledge and consent of either the owner or the authorized operator of the*
20 *motor vehicle or, if the motor vehicle is leased, either the lessee or*
21 *authorized operator of the motor vehicle;*

22 *(c) While being the restrained party under a protective order, tracks the*
23 *location of a motor vehicle operated or occupied by an individual protected*
24 *under the order with a tracking device; or*

25 *(d) While on probation or parole for a crime defined in KRS Chapter 508,*
26 *tracks the location of a motor vehicle operated or occupied by a victim of*
27 *the crime or by a family member of the victim of the crime without the*

1 knowledge and consent of the victim or family member.

2 (3) Unlawful use of a tracking device is a Class A misdemeanor.

3 (4) Subsection (2) of this section does not apply to the installation or use of any:

4 (a) Device providing vehicle tracking for purposes of providing mechanical,
5 operational, directional, navigation, weather, or traffic information to the
6 operator of the vehicle;

7 (b) Device for providing emergency assistance to the operator or passengers of
8 the vehicle under the terms and conditions of a subscription service,
9 including any trial period of that subscription service;

10 (c) Device for providing missing vehicle assistance for the benefit of the owner
11 or operator of the vehicle;

12 (d) Device providing diagnostic services regarding the mechanical operation of
13 a vehicle under the terms and conditions of a subscription service, including
14 any trial period of the subscription service;

15 (e) Device or service providing the lessee of the vehicle with clear notice that
16 the vehicle may be tracked. For a lessor who installs a tracking device
17 subsequent to the original vehicle manufacture, the notice shall be provided
18 in writing with an acknowledgment signed by the lessee, regardless of
19 whether the tracking device is original equipment, a retrofit, or an
20 aftermarket product. The requirement for written acknowledgment placed
21 upon the lessor is not imposed upon the manufacturer of the tracking device
22 or the manufacturer of the vehicle;

23 (f) Tracking device by the parent or guardian of a minor on any vehicle owned
24 or leased by that parent or guardian or the minor, and operated by the
25 minor; and

26 (g) Tracking device by a police officer while lawfully performing his or her
27 duties as a police officer.