

SENATE BILL No. 325

March 4, 2009, Introduced by Senators BASHAM, BIRKHOLZ, ANDERSON, KUIPERS, JACOBS and KAHN and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 539/.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 539/. (1) A PERSON WHO DOES EITHER OF THE FOLLOWING IS
2 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
3 THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH:

4 (A) INSTALLS OR PLACES A TRACKING DEVICE, OR CAUSES A TRACKING
5 DEVICE TO BE INSTALLED OR PLACED, IN OR ON A MOTOR VEHICLE WITHOUT
6 THE KNOWLEDGE AND CONSENT OF THE OWNER OF THAT MOTOR VEHICLE OR, IF
7 THE MOTOR VEHICLE IS LEASED, THE LESSEE OF THAT MOTOR VEHICLE.

8 (B) TRACKS THE LOCATION OF A MOTOR VEHICLE WITH A TRACKING
9 DEVICE WITHOUT THE KNOWLEDGE AND CONSENT OF EITHER THE OWNER OR THE
10 AUTHORIZED OPERATOR OF THAT MOTOR VEHICLE OR, IF THE MOTOR VEHICLE
11 IS LEASED, EITHER THE LESSEE OR THE AUTHORIZED OPERATOR OF THAT

1 MOTOR VEHICLE.

2 (2) SUBSECTION (1) DOES NOT APPLY TO ANY OF THE FOLLOWING:

3 (A) THE USE OF ANY DEVICE THAT PROVIDES VEHICLE TRACKING ONLY
4 FOR PURPOSES OF PROVIDING MECHANICAL, DIRECTIONAL, WEATHER, OR
5 TRAFFIC INFORMATION TO THE OPERATOR OF THE VEHICLE.

6 (B) THE USE OF ANY DEVICE FOR PROVIDING EMERGENCY ASSISTANCE
7 TO THE OPERATOR OR PASSENGERS OF THE VEHICLE THROUGH A SUBSCRIPTION
8 SERVICE, INCLUDING ANY TRIAL PERIOD OF THAT SUBSCRIPTION SERVICE.

9 (C) THE USE OF ANY DEVICE ONLY FOR PROVIDING STOLEN VEHICLE
10 ASSISTANCE FOR THE BENEFIT OF THE OWNER OF THE VEHICLE UNDER THE
11 TERMS AND CONDITIONS OF A SUBSCRIPTION SERVICE, INCLUDING ANY TRIAL
12 PERIOD OF THE SUBSCRIPTION SERVICE.

13 (D) THE USE OF ANY DEVICE ONLY TO PROVIDE DIAGNOSTIC SERVICES
14 REGARDING THE MECHANICAL OPERATION OF A VEHICLE UNDER THE TERMS AND
15 CONDITIONS OF A SUBSCRIPTION SERVICE, INCLUDING ANY TRIAL PERIOD OF
16 THE SUBSCRIPTION SERVICE.

17 (E) A POLICE OFFICER WHILE PERFORMING HIS OR HER DUTIES AS A
18 POLICE OFFICER.

19 (F) A PERSON LICENSED UNDER THE PROFESSIONAL INVESTIGATOR
20 LICENSURE ACT, 1965 PA 285, MCL 338.821 TO 338.851, WHILE
21 PERFORMING HIS OR HER DUTIES AS A PROFESSIONAL INVESTIGATOR. THIS
22 EXEMPTION DOES NOT APPLY IF THE PROFESSIONAL INVESTIGATOR IS
23 WORKING ON BEHALF OF A PERSON WHO IS THE SUBJECT OF AN ORDER ISSUED
24 BY A COURT FOR THE PROTECTION OF ANOTHER PERSON, THE PROFESSIONAL
25 INVESTIGATOR KNOWS OF THE EXISTENCE OF THE ORDER OR FAILS TO USE
26 DUE DILIGENCE IN DETERMINING WHETHER THE ORDER EXISTS, AND THE
27 SERVICES OF THE PROFESSIONAL INVESTIGATOR ARE TO PROVIDE

1 INFORMATION TO THE PERSON WHO IS THE SUBJECT OF THE ORDER ABOUT THE
2 LOCATION OF ANY OTHER PERSON NAMED IN THE ORDER.

3 (G) A PERSON LAWFULLY PERFORMING HIS OR HER DUTIES AS A BAIL
4 AGENT AS AUTHORIZED UNDER SECTION 167B OR AS AN EMPLOYEE OR
5 CONTRACTOR OF THAT BAIL AGENT.

6 (3) AS USED IN THIS SECTION, "TRACKING DEVICE" MEANS ANY
7 ELECTRONIC DEVICE THAT IS DESIGNED OR INTENDED TO BE USED TO TRACK
8 THE LOCATION OF A MOTOR VEHICLE ON A STREET OR HIGHWAY OF THIS
9 STATE REGARDLESS OF WHETHER THAT INFORMATION IS RECORDED.