

SUBSTITUTE FOR
SENATE BILL NO. 1572

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

1 AUTHORIZED OPERATOR OF THAT MOTOR VEHICLE OR, IF THE MOTOR VEHICLE
2 IS LEASED, EITHER THE LESSEE OR THE AUTHORIZED OPERATOR OF THAT
3 MOTOR VEHICLE.

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

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

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

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

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

19 (E) A POLICE OFFICER WHILE PERFORMING HIS OR HER DUTIES AS A
20 POLICE OFFICER.

21 (F) A PERSON LICENSED UNDER THE PROFESSIONAL INVESTIGATOR
22 LICENSURE ACT, 1965 PA 285, MCL 338.821 TO 338.851, WHILE
23 PERFORMING HIS OR HER DUTIES AS A PROFESSIONAL INVESTIGATOR.

24 (G) A PERSON LAWFULLY PERFORMING HIS OR HER DUTIES AS A BAIL
25 AGENT AS AUTHORIZED UNDER SECTION 167B.

26 (3) AS USED IN THIS SECTION, "TRACKING DEVICE" MEANS ANY
27 ELECTRONIC DEVICE THAT IS DESIGNED OR INTENDED TO BE USED TO TRACK

1 THE LOCATION OF A MOTOR VEHICLE ON A STREET OR HIGHWAY OF THIS
2 STATE REGARDLESS OF WHETHER THAT INFORMATION IS RECORDED.