

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Shawn Dooley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act prohibiting electronic tracking of motor vehicles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>10/18/2021</i>

HOUSE No.

By Mr. Dooley of Norfolk, a petition (subject to Joint Rule 12) of Shawn Dooley for legislation to further regulate the tracking of motor vehicles. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act prohibiting electronic tracking of motor vehicles.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 272 of the General Laws is hereby amended by adding the following section:-

2 Section 108. (a) As used in this section the following terms shall, unless the context
3 clearly requires otherwise, have the following meanings:-

4 “Person”, shall not include the manufacturer of the motor vehicle, provider of telematics
5 equipment and services or entities that rent motor vehicles.

6 “Starter interrupt technology”, technology used to remotely disable the starter of a motor
7 vehicle.

8 (b) Except as provided in subsection (c), a person who knowingly installs, conceals or
9 otherwise places or uses an electronic tracking device in or on a motor vehicle without the
10 consent of the operator and all occupants of the vehicle for the purpose of monitoring or
11 following the operator, occupant or occupants of the vehicle shall be punished by imprisonment

12 in a house of correction for not more than 1 year, or by a fine of not more than \$1,000, or by
13 both.

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

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

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

30 (4) It shall not be a violation of this section if an electronic tracking device, including but
31 not limited to devices also containing technology used to remotely disable the starter of a motor
32 vehicle, is installed or used by a licensed motor vehicle dealer in connection with the credit sale,

33 loan or lease of a motor vehicle with the express written consent of the vehicle's purchaser,
34 lessor or lessee.

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

40 (d) This section shall not apply to a tracking system installed by the manufacturer of a
41 motor vehicle, a provider of telematics equipment and services, or installed or used by an entity
42 renting out vehicles, or installed or provided by an insurance company with the vehicle owner's
43 or vehicle lessee's permission to monitor driving habits for insurance rating purposes.