

HOUSE No. 1572

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 motor vehicle tracking devices without consent.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/17/2023</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>	<i>1/26/2023</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>1/26/2023</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>1/26/2023</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/27/2023</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>2/1/2023</i>

HOUSE No. 1572

By Representative Jones of North Reading, a petition (accompanied by bill, House, No. 1572) of Bradley H. Jones, Jr., and others relative to prohibiting motor vehicle tracking devices without consent. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act prohibiting motor vehicle tracking devices without consent.

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

1 SECTION 1. Chapter 265 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by inserting after Section 43A the following new section:-

3 Section 43B. (a) (1) For the purposes of this section, the term “electronic mobile tracking
4 device” shall mean any device that tracks and reveals the location of the device and transmits the
5 location to a mobile phone or computer.

6 (2) Except as provided in subsection (b) of this section, whoever willfully and knowingly
7 installs, conceals, or otherwise places for use an electronic mobile tracking device in or on a
8 motor vehicle without the consent of the operator and occupants of the vehicle for the purpose of
9 monitoring or following the operator or occupants of the vehicle shall be guilty of the crime of
10 criminal harassment, as provided in section 43A of chapter 265 and the punishments thereof.

11 (b) (1) It shall not be a violation of this section if the installation, concealment,
12 placement, or use of an electronic mobile tracking device in or on a motor vehicle is by, or at the

13 direction of, a law enforcement officer in furtherance of a criminal investigation and is carried
14 out in accordance with applicable state and federal laws.

15 (2) It shall not be a violation of this section if the installation, concealment, placement, or
16 use of an electronic mobile tracking device in or on a motor vehicle is by a parent or legal
17 guardian that owns or leases the vehicle, and if the device is used solely for the purpose of
18 monitoring a minor child of the parent or legal guardian when the child is an operator of the
19 vehicle.

20 (3) It shall not be a violation of this section if the electronic mobile tracking device is
21 attached to a vehicle that has been stolen from the owner for the purposes of locating the stolen
22 vehicle, upon notice to local law enforcement.

23 (4) It shall not be a violation of this section if an electronic mobile tracking device is
24 installed and or used by a business that does business in the Commonwealth and the device is
25 used for the purpose of tracking vehicles that are owned or leased by the business and driven by
26 employees or affiliates of such business.

27 (c) The provisions of this section shall not apply to electronic or telematic systems
28 installed by the manufacturer of a motor vehicle or such systems used by businesses licensed to
29 rent cars to consumers or by insurance companies upon the owner's or vehicles lessee's
30 permission.

31 (d) A violation of this section shall be punishable under the punishments provided in
32 section 43A of chapter 265.