

SUBSTITUTE FOR  
SENATE BILL NO. 325

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

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

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

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

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

12 (C) THE USE OF ANY DEVICE ONLY FOR PROVIDING MISSING VEHICLE  
13 ASSISTANCE FOR THE BENEFIT OF THE OWNER OF THE VEHICLE.

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

18 (E) THE USE OF ANY DEVICE OR SERVICE THAT PROVIDES THE  
19 OCCUPANTS OF THE VEHICLE WITH CLEAR NOTICE THAT THE VEHICLE MAY BE  
20 TRACKED.

21 (F) A POLICE OFFICER WHILE PERFORMING HIS OR HER DUTIES AS A  
22 POLICE OFFICER.

23 (G) A PERSON LICENSED UNDER THE PROFESSIONAL INVESTIGATOR  
24 LICENSURE ACT, 1965 PA 285, MCL 338.821 TO 338.851, OR AN EMPLOYEE  
25 OF A PERSON LICENSED UNDER THAT ACT, WHILE PERFORMING HIS OR HER  
26 DUTIES AS A PROFESSIONAL INVESTIGATOR OR EMPLOYEE OF A PROFESSIONAL  
27 INVESTIGATOR. THIS EXEMPTION DOES NOT APPLY IF THE PROFESSIONAL

1 INVESTIGATOR OR EMPLOYEE IS WORKING ON BEHALF OF A PERSON WHO IS  
2 THE SUBJECT OF AN ORDER ISSUED BY A COURT FOR THE PROTECTION OF  
3 ANOTHER PERSON, THE PROFESSIONAL INVESTIGATOR OR EMPLOYEE KNOWS OF  
4 THE EXISTENCE OF THE ORDER OR FAILS TO USE DUE DILIGENCE IN  
5 DETERMINING WHETHER THE ORDER EXISTS, AND THE SERVICES OF THE  
6 PROFESSIONAL INVESTIGATOR OR EMPLOYEE ARE TO PROVIDE INFORMATION TO  
7 THE PERSON WHO IS THE SUBJECT OF THE ORDER ABOUT THE LOCATION OF  
8 ANY OTHER PERSON NAMED IN THE ORDER.

9 (H) A PERSON LAWFULLY PERFORMING HIS OR HER DUTIES AS A BAIL  
10 AGENT AS AUTHORIZED UNDER SECTION 167B OR AS AN EMPLOYEE OR  
11 CONTRACTOR OF THAT BAIL AGENT.

12 (3) AS USED IN THIS SECTION:

13 (A) "MOTOR VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION 412.

14 (B) "TRACKING DEVICE" MEANS ANY ELECTRONIC DEVICE THAT IS  
15 DESIGNED OR INTENDED TO BE USED TO TRACK THE LOCATION OF A MOTOR  
16 VEHICLE ON A STREET OR HIGHWAY OF THIS STATE REGARDLESS OF WHETHER  
17 THAT INFORMATION IS RECORDED.