

1st Sub. H.B. 158

Unlawful Tracking Amendments

Senate Amendments

Amendment 2

March 03, 2026 07:29 PM

Senator **Todd Weiler** proposes the following amendments:

1. *Line 37 through 48:*

37 (B) acting in the capacity of a private investigator.

38 [(iii)](iv) "Protective order" means a protective order, stalking injunction, or

39 restraining order issued by a court of any jurisdiction.

(v) "Rental company" means the same as that term is defined in Section 76-6-410.5.

40 {(v)} (vi) (A) "Tangible personal property" means a physical asset or object that can be

41 seen, touched, and moved.

42 (B) "Tangible personal property" does not include a motor vehicle.

43 {(vi)} (vii) "Tracking application" means a software program that can be used to track or

44 identify the location or movement of an individual.

45 [(iv)] {(vii)} (viii) (A) "Tracking device" means a device used for the primary purpose of

46 revealing the device's location or movement by the transmission or recording

47 of an electronic signal.

48 (B) "Tracking device" does not include location technology installed on a motor

2. *Line 49 through 55:*

49 vehicle by the motor vehicle manufacturer or a commercial motor vehicle

50 dealer that transmits electronic signals for the purpose of data collection, if the

51 data collection is anonymized.

52 {(viii)} (ix) "Vulnerable adult" means the same as that term is defined in Section 76-5-111.

53 (b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this

54 section.

55 (2) [~~Except as provided in Subsection (4), an~~] An actor commits unlawful [~~installation~~] use

3. *Line 124a through 129:*

124a direction of a

125 court order → [{ }]; or

125a **(f) a peace officer who obtains information in accordance with Section 53-10-104.5.** ← { }

(6) Subsections (2)(a) and (c) do not apply to:

(a) a rental company if the rental company is installing, placing, or using a tracking device or tracking application to track a motor vehicle owned by the rental company provided to a renter under the terms of a rental agreement; or

- (b) any person who:**
- (i) owns a motor vehicle;**
- (ii) installs, places, or uses a tracking device or tracking application to track the motor vehicle; and**
- (iii) allows another person to use the motor vehicle, not including under a lease agreement.**

126 ~~{(6)}~~ **(7)** (a) Before installing or placing a tracking device on a motor vehicle under Subsection
127 (4), a private investigator shall request confirmation from a state entity with access to
128 updated protective order records, that:
129 ~~{(a)}~~**(i)** the owner or lessee of the vehicle is not under the protection of a protective

4. *Line 141 through 147:*

141 ~~{(9)}~~**(d)** On request from the Bureau of Criminal Identification, a private investigator
142 who installs or places a tracking device on a motor vehicle shall disclose the purpose
143 of the tracking device to the Bureau of Criminal Identification.
144 ~~{(10)}~~ **(7)** **(8)** ~~{(a) A person}~~An individual, or the heirs of a deceased ~~{person}~~individual, who
145 has been injured by a violation of ~~[this section]~~Subsection (2) may bring an action
146 against the actor who committed the violation.
147 ~~{(b) If in the action described in Subsection (10)(a) the court finds the defendant is~~

5. *Line 153 through 174:*

153 ~~{(d) A finding that the defendant is in violation of this section entitles the plaintiff to an~~
154 ~~award of reasonable attorney fees.]~~
155 ~~{(e) Exemplary damages may be awarded when the violation is found to be malicious.]~~
156 **(8)** **(9)** If in the action described in Subsection ~~{(7)}~~ **(8)** the court finds by a preponderance of
157 the
158 evidence that the defendant has committed a violation of Subsection (2), the court shall:
159 (a) ~~enjoin the defendant from a continued violation; and~~
160 (b) if the plaintiff establishes that the violation has injured the plaintiff, award to the
161 plaintiff, subject to Subsection ~~{(10)(b)}~~ **(11)(b)**:
162 (i) ~~reasonable attorney fees; and~~
163 (ii) ~~(A) compensatory damages; or~~
164 (B) ~~statutory damages of \$50 a day for each day the defendant violates a provision~~
165 of this section, or \$5,000, whichever is greater.
166 **(9)** **(10)** (a) A plaintiff may elect at any time before final judgment is entered by the court to
167 recover statutory damages under Subsection ~~{(8)(b)(ii)(B)}~~ **(9)(b)(ii)(B)** instead of compensatory
168 damages.
169 (b) ~~In addition to the damages described in Subsection ~~{(8)}~~ **(9)**, a court may award punitive~~

169 damages in accordance with Section 78B-8-201.

170 {~~(10)~~ **(11)** (a) If an actor at trial is found not guilty of violating this section, the not guilty
171 verdict does not preclude a court from finding that the actor is liable under

172 Subsection {~~(8)~~ **(9)**.

173 (b) If restitution was ordered in the criminal action, the amount ordered shall be
174 deducted from any damages awarded under Subsection {~~(8)(b)(ii)~~ **(9)(b)(ii)**.