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Unlawful Tracking Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Doug Owens
Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill addresses the unlawful tracking of an individual.

Highlighted Provisions:

This bill:

- amends the offense of unlawful installation of a tracking device by:
 - renaming the offense to unlawful use of a tracking device or tracking application;
 - broadening the offense to include placing a tracking device on certain personal property and using a tracking application to track another individual's movements;
 - clarifying that an actor commits the offense if the victim had previously given consent for the actor to use the tracking device or tracking application and later revoked that consent, and the actor continued to use the tracking device or tracking application;
- and
 - requiring statutory damages in a successful civil action brought by a victim if the victim elects to receive the statutory damages instead of compensatory damages; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-12-305, as renumbered and amended by Laws of Utah 2025, Chapter 173

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-12-305** is amended to read:

29 **76-12-305 . Unlawful use of a tracking device or tracking application.**

30 (1)(a) As used in this section:

31 (i) "Minor" means an individual who is younger than 18 years old.

32 [(i)] (ii) "Motor vehicle" means the same as that term is defined in Subsection
33 41-12a-103(4).

34 [(ii)] (iii) "Private investigator" means an individual who is:

35 (A) licensed as a private investigator under Title 53, Chapter 9, Private
36 Investigator Regulation Act; and

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.

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

41 (vi)(A) "Tangible personal property" means a physical asset or object that can be
42 seen, touched, and moved.

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

44 (vii) "Tracking application" means a software program that can be used to track or
45 identify the location or movement of an individual.

46 [(iv)] (viii)(A) "Tracking device" means a device used for the primary purpose of
47 revealing the device's location or movement by the transmission or recording
48 of an electronic signal.

49 (B) "Tracking device" does not include location technology installed on a motor
50 vehicle by the motor vehicle manufacturer or a commercial motor vehicle
51 dealer that transmits electronic signals for the purpose of data collection, if the
52 data collection is anonymized.

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

54 (b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this
55 section.

56 (2) [~~Except as provided in Subsection (4), an-~~] An actor commits unlawful [installation] use
57 of a tracking device or tracking application if [the actor knowingly] :

58 (a)(i) [~~-~~] the actor intentionally installs or places, or directs another to install or place,
59 a tracking device on or in a motor vehicle owned or leased by another [person;]
60 person; and

61 (ii) the actor:

62 (A) [~~without the~~] did not receive permission [of] from the owner or lessee of the

- 63 motor vehicle[-:] to install or place the tracking device; or
64 (B) intentionally continued to use the tracking device with the purpose to track the
65 owner's or lessee's movement after the owner or lessee revoked the owner's or
66 lessee's permission for the actor to use the tracking device and the actor knew
67 that the owner or lessee had revoked the owner's or lessee's permission;
68 (b)(i) the actor intentionally places, or directs another to place, a tracking device:
69 (A) on an individual's person;
70 (B) on or in an individual's tangible personal property; or
71 (C) on or in tangible personal property under the physical control of an individual;
72 and
73 (ii) the actor:
74 (A) did not receive permission from the individual to place the tracking device; or
75 (B) intentionally continued to use the tracking device with the purpose to track the
76 individual's movement after the individual revoked the individual's permission
77 for the actor to use the tracking device and the actor knew that the individual
78 had revoked the individual's permission; or
79 (c)(i) the actor intentionally uses a tracking application installed or otherwise used on
80 an electronic or other device in the possession or control of an individual to track
81 the individual's movement; and
82 (ii) the actor:
83 (A) did not receive permission from the individual to use the tracking application;
84 or
85 (B) intentionally continued to use the tracking application with the purpose to
86 track the individual's movement after the individual revoked the individual's
87 permission for the actor to use the tracking application and the actor knew that
88 the individual had revoked the individual's permission.
89 (3) A violation of Subsection (2) is a class A misdemeanor.
90 (4) ~~[An actor does not commit a violation of Subsection (2) if the actor]~~ Subject to
91 Subsection (6), Subsection (2)(a) does not apply to an individual who:
92 (a)(i) is a licensed private investigator installing or placing the tracking device for a
93 legitimate business purpose; and
94 (ii) installs or places the tracking device on a motor vehicle that is not:
95 (A) owned or leased by an individual under the protection of a protective order; or
96 (B) operated by an individual under the protection of a protective order who

97 resides with, or is an immediate family member of, the owner or lessee of the
98 motor vehicle; or

99 (b) installs or places the tracking device on a motor vehicle pursuant to a court order.

100 (5) This section does not apply to:

101 (a) [-]a peace officer, acting in the peace officer's official capacity, who installs or places
102 a tracking device, or causes another individual to install or place a tracking device, on
103 an individual's person, on or in an individual's tangible personal property, on or in
104 tangible personal property under the physical control of an individual, or on or in a
105 motor vehicle owned or leased by an individual in the course of a criminal
106 investigation or pursuant to a court order[-] ;

107 (b) a parent or legal guardian of a minor:

108 (i)(A) who installs or places a tracking device on the minor's person, on or in the
109 minor's tangible personal property, on or in tangible personal property under
110 the physical control of the minor, or on or in a motor vehicle owned or leased
111 by the minor; or

112 (B) who uses a tracking application installed or otherwise used on an electronic or
113 other device in the possession or control of the minor to track the minor's
114 movement; and

115 (ii) who has received permission from any other parent or legal guardian of the minor
116 to install or place the tracking device or use the tracking application;

117 (c) an individual who was a parent or legal guardian of a minor if:

118 (i) the individual installed or placed a tracking device as described in Subsection
119 (5)(b);

120 (ii) the minor described in Subsection (5)(b) is now 18 years old or older; and

121 (iii) the individual has not been expressly informed by the former minor that the actor
122 does not have permission to continue to use the tracking device or tracking
123 application;

124 (d) a caregiver of a vulnerable adult:

125 (i) who installs or places a tracking device on the vulnerable adult's person, on or in
126 the vulnerable adult's tangible personal property, on or in tangible personal
127 property under the physical control of the vulnerable adult, or on or in a motor
128 vehicle owned or leased by the vulnerable adult; or

129 (ii) who uses a tracking application installed or otherwise used on an electronic or
130 other device in the possession or control of the vulnerable adult to track the

- 131 vulnerable adult's movement;
- 132 (e) an individual who installs, places, or uses a tracking application at the direction of a
- 133 court order; or
- 134 (f) a peace officer who obtains information in accordance with Section 53-10-104.5.
- 135 (6) Subsections (2)(a) and (c) do not apply to:
- 136 (a) a rental company if the rental company is installing, placing, or using a tracking
- 137 device or tracking application to track a motor vehicle owned by the rental company
- 138 provided to a renter under the terms of a rental agreement; or
- 139 (b) any person who:
- 140 (i) owns a motor vehicle;
- 141 (ii) installs, places, or uses a tracking device or tracking application to track the
- 142 motor vehicle; and
- 143 (iii) allows another person to use the motor vehicle, not including under a lease
- 144 agreement.
- 145 [(6)] (7)(a) Before installing or placing a tracking device on a motor vehicle under
- 146 Subsection (4), a private investigator shall request confirmation from a state entity
- 147 with access to updated protective order records, that:
- 148 [(a)] (i) the owner or lessee of the vehicle is not under the protection of a protective
- 149 order; and
- 150 [(b)] (ii) [~~an~~] any individual who resides with, or is an immediate family member of,
- 151 the owner or lessee of the motor vehicle is not under the protection of a protective
- 152 order.
- 153 [(7)] (b) On request from a licensed private investigator, a state entity, including a law
- 154 enforcement agency, with access to protective order records shall confirm or deny the
- 155 existence of a protective order, disclosing only whether an individual named by the
- 156 private investigator is under the protection of a protective order issued in any
- 157 jurisdiction.
- 158 [(8)] (c) A private investigator may not disclose the information obtained under
- 159 Subsection [(7)] (6)(b) to any person, except as permitted by law.
- 160 [(9)] (d) On request from the Bureau of Criminal Identification, a private investigator
- 161 who installs or places a tracking device on a motor vehicle shall disclose the purpose
- 162 of the tracking device to the Bureau of Criminal Identification.
- 163 [(10)] (8)[(a) ~~A person~~] An individual, or the heirs of a deceased [person] individual, who
- 164 has been injured by a violation of [this section] Subsection (2) may bring an action

- 165 against the actor who committed the violation.
- 166 [~~(b) If in the action described in Subsection (10)(a) the court finds the defendant is~~
- 167 ~~violating or has violated any of the provisions of this section, the court shall enjoin~~
- 168 ~~the defendant from a continued violation.]~~
- 169 [~~(c) It is not necessary that actual damages to the plaintiff be alleged or proved, but if~~
- 170 ~~damages are alleged and proved, the plaintiff in the action is entitled to recover from~~
- 171 ~~the defendant the actual damages sustained, if any, in addition to injunctive relief.]~~
- 172 [~~(d) A finding that the defendant is in violation of this section entitles the plaintiff to an~~
- 173 ~~award of reasonable attorney fees.]~~
- 174 [~~(e) Exemplary damages may be awarded when the violation is found to be malicious.]~~
- 175 (9) If in the action described in Subsection (8) the court finds by a preponderance of the
- 176 evidence that the defendant has committed a violation of Subsection (2), the court shall:
- 177 (a) enjoin the defendant from a continued violation; and
- 178 (b) if the plaintiff establishes that the violation has injured the plaintiff, award to the
- 179 plaintiff, subject to Subsection (11)(b):
- 180 (i) reasonable attorney fees; and
- 181 (ii)(A) compensatory damages; or
- 182 (B) statutory damages of \$50 a day for each day the defendant violates a provision
- 183 of this section, or \$5,000, whichever is greater.
- 184 (10)(a) A plaintiff may elect at any time before final judgment is entered by the court to
- 185 recover statutory damages under Subsection (9)(b)(ii)(B) instead of compensatory
- 186 damages.
- 187 (b) In addition to the damages described in Subsection (9), a court may award punitive
- 188 damages in accordance with Section 78B-8-201.
- 189 (11)(a) If an actor at trial is found not guilty of violating this section, the not guilty
- 190 verdict does not preclude a court from finding that the actor is liable under
- 191 Subsection (9).
- 192 (b) If restitution was ordered in the criminal action, the amount ordered shall be
- 193 deducted from any damages awarded under Subsection (9)(b)(ii).

194 Section 2. **Effective Date.**

195 This bill takes effect on May 6, 2026.