

28 **76-9-408. Unlawful installation of a tracking device.**

29 (1) As used in this section:

30 (a) "Motor vehicle" means the same as that term is defined in Subsection  
31 41-12a-103(4).

32 (b) "Private investigator" means an individual who is:

33 (i) licensed as a private investigator under Title 53, Chapter 9, Private Investigator  
34 Regulation Act; and

35 (ii) acting in the capacity of a private investigator.

36 (c) ~~H→~~ (i) ~~←H~~ "Tracking device" means a device ~~H→~~ [that reveals] used for the primary  
36a purpose of revealing ~~←H~~ the device's location or movement by  
37 the transmission ~~H→~~ or recording ~~←H~~ of an electronic signal.

37a ~~H→~~ (ii) "Tracking device" does not include location technology installed on a vehicle by the  
37b vehicle manufacturer of a commercial vehicle dealer that transmits electronic signals for  
37c purposes of data collection, if the data collection is anonymized. ~~←H~~

38 (2) Except as provided in Subsection (3), a person is guilty of unlawful installation of a  
39 tracking device if the person knowingly installs, or directs another to install, a tracking device  
40 on a motor vehicle owned or leased by another person.

41 (3) A person is not guilty of unlawful installation of a tracking device if the person  
42 installs the tracking device on a motor vehicle:

43 (a) (i) with the consent of the owner or lessee of the motor vehicle; or

44 (ii) if the person is a private investigator, with the written consent of the owner or  
45 lessee of the motor vehicle;

46 (b) under the direction of an individual whom the person reasonably believes to be a  
47 peace officer authorized to install the tracking device in the course of a criminal investigation  
48 or pursuant to a court order; or

49 (c) pursuant to a court order.

50 (4) Unlawful installation of a tracking device is a class A misdemeanor.

51 (5) This section does not apply to a peace officer, acting in the peace officer's official  
52 capacity, who installs a tracking device on a motor vehicle in the course of a criminal  
53 investigation or pursuant to a court order.