**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑17‑485 SO AS TO DEFINE THE TERM “TRACKING DEVICE”, TO CREATE THE OFFENSE OF UNLAWFUL TRACKING, TO PROVIDE A PENALTY, AND TO PROVIDE EXCEPTIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 7, Chapter 17, Title 16 of the 1976 Code is amended by adding:

“Section 16‑17‑485. (A) As used in this section, the term:

(1) ‘Motor vehicle’ means as defined in Section 56‑1‑10.

(2) ‘Tracking device’ means an electronic device including, but not limited to, a global positioning system tracking device that is designed or intended for use to track the location of a motor vehicle regardless of whether that information is recorded.

(B) It is unlawful for a person including, but not limited to, a law enforcement officer or other employee of a law enforcement agency or a person associated with, or employed by, a security or private investigative business to:

(1) install or place a tracking device, or cause a tracking device to be installed or placed, in or on a motor vehicle without the knowledge and consent of the owner of the motor vehicle or, if the motor vehicle is leased, without the knowledge and consent of the lessee of the motor vehicle; and

(2) track the location of a motor vehicle with a tracking device without the knowledge and consent of either the owner or the authorized operator of the motor vehicle.

(C) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than one year.

(D) The provisions of this section do not apply to the installation or use of a tracking device:

(1) that provides motor vehicle tracking for purposes of providing mechanical, operational, directional, navigational, weather, or traffic information to the operator of the motor vehicle;

(2) that provides emergency assistance to the operator or passengers of the motor vehicle under the terms and conditions of a subscription service;

(3) that provides missing vehicle assistance for the benefit of the owner or operator of the motor vehicle;

(4) that provides diagnostic services regarding the mechanical operation of a motor vehicle under the terms and conditions of a subscription service;

(5) when the lessee of the motor vehicle is given written notice from the lessor that the motor vehicle may be tracked through the use of a tracking device and this notice is signed by the lessee; or

(6) by a parent or legal guardian of a person under the age of eighteen on a motor vehicle owned or leased by that parent or legal guardian or the person under the age of eighteen and operated by him.”

SECTION 2. This act takes effect upon approval by the Governor.

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