

A-Engrossed
House Bill 3176

Ordered by the House May 3
Including House Amendments dated May 3

Sponsored by Representative NELSON; Representatives BARKER, CLEM, FLORES, SCOTT, SHIELDS, WITT (at the request of J. Graigory for "Dalton's Law")

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires motor vehicle telematics service provider to furnish information about location of motor vehicle to law enforcement agency upon request.

Imposes civil penalty not to exceed [\$_____] **\$1,000** for failure to provide requested information.

A BILL FOR AN ACT

1
2 Relating to motor vehicle telematics service providers.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Law enforcement agency" means:**

6 (A) **A city or municipal police department.**

7 (B) **A county sheriff's office.**

8 (C) **The Oregon State Police.**

9 (b) **"Motor vehicle telematics" means the transmission of data from systems and devices**
10 **in a motor vehicle to a motor vehicle telematics service provider to allow tracking of the**
11 **motor vehicle by the motor vehicle telematics service provider using global positioning sys-**
12 **tem satellites and cellular technology.**

13 (c) **"Motor vehicle telematics service provider" means an entity that provides motor ve-**
14 **hicle telematics services to owners of motor vehicles equipped with motor vehicle telematics.**

15 (2) **A law enforcement agency may request that a motor vehicle telematics service pro-**
16 **vider provide the location of a motor vehicle if:**

17 (a) **A search warrant has been issued authorizing the tracking of a mobile tracking de-**
18 **vice;**

19 (b) **The owner of the vehicle consents to the request;**

20 (c) **The law enforcement agency has reasonable grounds to believe that a life-threatening**
21 **emergency exists and that locating the vehicle is necessary to:**

22 (A) **Prevent serious harm to any person;**

23 (B) **Render aid to injured or ill persons; or**

24 (C) **Locate missing persons; or**

25 (d)(A) **The law enforcement agency has probable cause to believe that a crime has been,**
26 **is being or is about to be committed;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **(B) The location of the vehicle is evidence of or information concerning the commission**
2 **of the offense; and**

3 **(C) At the time of the request, the circumstances are of such exigency that it would be**
4 **unreasonable to obtain a warrant.**

5 **(3) Nothing contained in this section limits the authority of a peace officer that is in-**
6 **herent in the office or that is granted by any other provision of law.**

7 **(4) A motor vehicle telematics service provider shall provide the location of a motor ve-**
8 **hicle upon the request of a law enforcement agency as provided in subsection (2) of this**
9 **section.**

10 **SECTION 2.** **(1) The Attorney General may impose a civil penalty against a motor vehicle**
11 **telematics service provider that fails to provide information requested under section 1 of this**
12 **2007 Act. The civil penalty may not exceed \$1,000 for each violation.**

13 **(2) Civil penalties under this section shall be imposed as provided in ORS 183.745.**

14 **(3) All penalties recovered under this section shall be paid into the State Treasury and**
15 **credited to the General Fund.**

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