

House Bill 3570

Sponsored by Representative NELSON; Representatives BEYER, BOONE, BOQUIST, BRUUN, CAMERON, CLEM, DINGFELDER, D EDWARDS, FLORES, GALIZIO, GARRARD, HOLVEY, JENSON, KRIEGER, KRUMMEL, LIM, MAURER, MINNIS, MORGAN, NATHANSON, ROBLAN, SCHAUFLE, G SMITH, P SMITH, WHISNANT, WITT, Senators ATKINSON, G GEORGE, GORDLY, MONROE, MORRISSETTE, WINTERS (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 **as introduced**.

Requires motor vehicle locator service provider to furnish information about location of motor vehicle to law enforcement agency upon request. Authorizes the imposition of civil penalty not to exceed \$1,000 for failure to provide requested information.

A BILL FOR AN ACT

1
2 Relating to motor vehicle locator service.

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; or

8 (C) The Oregon State Police.

9 (b) "Motor vehicle locator service" means the transmission of data or signals to or from
10 systems or devices in a motor vehicle for the purpose of locating the motor vehicle.

11 (c) "Motor vehicle locator service provider" means an entity that provides motor vehicle
12 locator service to owners of motor vehicles equipped with motor vehicle locator service
13 technology.

14 (2) A law enforcement agency may request that a motor vehicle locator service provider
15 provide the location of a motor vehicle if:

16 (a) A search warrant has been issued authorizing the tracking of the motor vehicle;

17 (b) The owner of the motor vehicle consents to the request;

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

20 (A) Prevent serious harm to any person;

21 (B) Render aid to injured or ill persons; or

22 (C) Locate missing persons; or

23 (d) The law enforcement agency has probable cause to believe:

24 (A) A crime has been, is being or is about to be committed;

25 (B) The location of the motor vehicle is evidence of or information concerning the com-
26 mission of the offense; and

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

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 **(3) Nothing in this section limits the authority of a peace officer that is inherent in the**
2 **office or that is granted by any other provision of law.**

3 **(4) A motor vehicle locator service provider shall provide the location of a motor vehicle**
4 **upon the request of a law enforcement agency as provided in subsection (2) of this section.**

5 **SECTION 2.** **(1) The Attorney General may impose a civil penalty against a motor vehicle**
6 **locator service provider that fails to provide information requested under section 1 of this**
7 **2007 Act.**

8 **(2) The civil penalty may not exceed \$1,000 for each violation.**

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

10 **(4) All penalties recovered under this section shall be paid into the State Treasury and**
11 **credited to the General Fund.**

12 **SECTION 3.** **A motor vehicle locator service provider may not be subject to civil liability**
13 **as a result of providing the location of a motor vehicle to a law enforcement agency in ac-**
14 **cordance with section 1 of this 2007 Act.**