

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**

**No. 1044** Session of  
2006

INTRODUCED BY PILEGGI, THOMPSON, RAFFERTY, ERICKSON, EARLL,  
FONTANA, COSTA, PICCOLA, KITCHEN, M. WHITE, TARTAGLIONE,  
LEMMOND, BROWNE, MUSTO, WOZNIAK, KASUNIC, REGOLA, LAVALLE,  
STACK, WONDERLING AND WAUGH, JANUARY 3, 2006

REFERRED TO JUDICIARY, JANUARY 3, 2006

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, providing for nongovernmental uses of  
3 mobile tracking devices.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 7507.2. Nongovernmental uses of mobile tracking devices.

9 (a) Prohibited use.--Except as provided in this section, no  
10 person may install, monitor, record data from or otherwise use a  
11 mobile tracking device in this Commonwealth without first  
12 obtaining a court order under section 5761 (relating to mobile  
13 tracking devices).

14 (b) Exception.--The prohibition contained in subsection (a)  
15 does not apply with respect to:

16 (1) The routine operation, maintenance and testing of a  
17 mobile tracking device by the provider of the mobile tracking

1 device service.

2 (2) Actions taken by a provider of mobile tracking  
3 devices to protect the rights or property of such provider or  
4 the protection of users of the provider's service from abuse  
5 of service or unlawful use of service.

6 (3) An employer who utilizes such devices on vehicles  
7 owned by the employer or on items produced or shipped by the  
8 employer to track such items' production or shipping.

9 (4) Uses of a mobile tracking device where the consent  
10 of the owner or owners, if more than one, of the object to  
11 which the mobile tracking device is to be attached has been  
12 obtained.

13 (5) A parent or legal guardian who uses a device with  
14 mobile tracking capabilities to supervise the parent or  
15 guardian's minor children after notification to the other  
16 parent or legal guardian of the child.

17 (c) Penalty.--Whoever intentionally and knowingly violates  
18 subsection (a) commits a misdemeanor of the third degree, unless  
19 the violation is for the purpose of facilitating the commission  
20 of a separate criminal offense, in which case the violation of  
21 subsection (a) shall be a felony of the third degree.

22 (d) Definition.--As used in this section, the term "mobile  
23 tracking device" means an electronic or mechanical device that  
24 permits the tracking of the movement of a person or object.

25 Section 2. This act shall take effect in 60 days.