



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 19

Senate Amendments 1 and 3

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2015 Assembly Bill 19, as Amended by the Assembly

2015 Assembly Bill 19 makes it a Class A misdemeanor¹ for a person to do either of the following:

- Place a global positioning device on a vehicle owned by another person without that person's consent.
- Intentionally obtain information regarding another person's movement or location generated by a global positioning device without that person's consent.

The bill's prohibitions do not apply to any of the following:

- A motor vehicle manufacturer or a person, acting within the scope of his or her employment, who installs an in-vehicle subscription based communication or navigation telematics system;
- A device installed by or with the permission of the vehicle owner for automobile insurance rating, underwriting, or claims handling purposes,
- A law enforcement officer acting in his or her official capacity;
- A parent or guardian acting to track the movement or location of his or her minor child or minor ward;

¹ A Class A misdemeanor is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 90 days, or both. [s. 939.51 (3) (a), Stats.]

- A lienholder or agent of a lienholder acting to track the movement or location of a motor vehicle in order to repossess the motor vehicle;
- An employer or business owner acting to track the movement or location of a motor vehicle owned, leased, or assigned for use by the employer or business owner.

SENATE AMENDMENT 1

Senate Amendment 1 modifies the exception pertaining to a parent or guardian tracking his or her minor child or minor ward to exempt from the bill's prohibitions the tracking of a ward who is not a minor.

SENATE AMENDMENT 3

Senate Amendment 3 specifies that in addition to prohibiting the placement of a global positioning device, the prohibition in the bill applies to placing a device equipped with global positioning technology.

ASSEMBLY ACTION

Assembly Substitute Amendment 1 (ASA 1) made the following changes to the bill:

- Eliminated a prohibition against placing a global positioning device on a vehicle used by a spouse without the spouse's knowledge after a petition for an annulment, divorce, or legal separation has been filed.
- Replaced provisions requiring that the victim not have **knowledge** of the placement of, or tracking by, a global positioning device with provisions requiring that the victim not **consent** to the placement or tracking.
- Created exemptions from the bill's prohibitions for both of the following:
 - A motor vehicle manufacturer who installs either an in-vehicle, subscription-based communication or navigation telematics system.
 - A device installed by or with the permission of the vehicle owner for automobile insurance rating, underwriting, or claims handling purposes.

Assembly Amendment 1 (AA 1) to ASA 1 expanded the exemption described above for a motor vehicle manufacturer. Specifically, AA 1 to ASA 1 provided that a motor vehicle manufacturer is exempt from the prohibitions created by the bill, as amended by ASA 1, for installing any in-vehicle communication or telematics system.

BILL HISTORY

The Assembly adopted AA 1 to ASA 1 and ASA 1 to Assembly Bill 19 on voice votes and passed the bill, as amended, on a voice vote on February 12, 2015.

Senator Petrowski offered Senate Amendment 1 to Assembly Bill 19 on March 26, 2015 and Senate Amendment 3 on April 14, 2015. On April 23, 2015, the Senate Committee on Judiciary and Public Safety unanimously voted to recommend adoption of both amendments and passage of the bill, as amended.

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