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H.223

Introduced by Representatives Arsenault of Williston and Priestley of
Bradford

Referred to Committee on

Date:

Subject: Crimes and criminal procedure; stalking; abuse prevention orders

Statement of purpose of bill as introduced: This bill proposes to clarify that the use of tracking technology to follow a person's movements without the person's consent is included within the meaning of course of conduct for purposes of the crime of stalking; to prohibit a person from knowingly installing, concealing, or otherwise placing or using an electronic tracking device in or on a motor vehicle without the consent of the operator and all occupants of the vehicle for the purpose of monitoring or following the operator, occupant, or occupants of the vehicle; to permit a plaintiff seeking a relief from abuse order to request the possession of a vehicle for a set period of time if possession of the vehicle is necessary to escape abuse or future abuse; and to establish a process whereby domestic violence survivors can quickly terminate or disable an abuser's access to a vehicle's connected services even if the abuser is the account holder.

20 An act relating to stalking through the use of tracking technology

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 13 V.S.A. § 1061 is amended to read:

3 § 1061. DEFINITIONS

4 As used in this subchapter:

5 (1)(A) “Course of conduct” means two or more acts over a period of
6 time, however short, in which a person follows, monitors, surveils, threatens,
7 or makes threats about another person, or interferes with another person’s
8 property or residence. This definition shall apply to acts conducted by the
9 person directly or indirectly, and by any action, method, device, or means.
10 Constitutionally protected activity is not included within the meaning of
11 “course of conduct.”

12 (B) As used in subdivision (A) of this subdivision (1), threaten shall
13 not be construed to require an express or overt threat.

14 (C)(i) As used in subdivision (A) of this subdivision (1), “course of
15 conduct” includes use of any electronic, digital, or Global Positioning System
16 device to surveil a specific person or a specific person’s internet or wireless
17 activity continuously for 12 hours or more or on two or more occasions over a
18 period of time, however short, without authorization.

19 (ii) Conduct in violation of section 1165 of this title shall
20 constitute course of conduct for purposes of this chapter.

1 (2) “Emotional distress” means significant mental suffering or distress
2 that may, but does not necessarily, require medical or other professional
3 treatment or counseling.

4 (3) “Reasonable person” means a reasonable person in the victim’s
5 circumstances.

6 (4) “Stalk” means to engage purposefully in a course of conduct directed
7 at a specific person that the person engaging in the conduct knows or should
8 know would cause a reasonable person to fear for ~~his or her~~ the person’s safety
9 or the safety of another or would cause a reasonable person substantial
10 emotional distress.

11 Sec. 2. 13 V.S.A. § 1065 is added to read:

12 § 1065. ELECTRONIC TRACKING OF MOTOR VEHICLES

13 (a) Definitions. As used in this section:

14 (1) “Dealer” has the same meaning as in 23 V.S.A. § 4.

15 (2) “Motor vehicle” has the same meaning as in 23 V.S.A. § 4.

16 (3) “Person” does not include the manufacturer of the motor vehicle,
17 provider of telematics equipment and services, or entities that rent motor
18 vehicles.

19 (4) “Starter interrupt technology” means technology used to remotely
20 disable the starter of a motor vehicle.

1 (b) Offense. Except as provided in subsection (c) of this section, no person
2 shall knowingly install, conceal, or otherwise place or use an electronic
3 tracking device in or on a motor vehicle without the consent of the operator
4 and all occupants of the vehicle for the purpose of monitoring or following the
5 operator, occupant, or occupants of the vehicle or direct any other person to do
6 so.

7 (c) Exceptions.

8 (1) It shall not be a violation if the installation, concealment, placement,
9 or use of an electronic tracking device in or on a motor vehicle is by, or at the
10 direction of, a law enforcement officer in furtherance of a criminal
11 investigation and is carried out in accordance with the applicable State and
12 federal law.

13 (2) If the installation, concealment, placement, or use of an electronic
14 tracking device in or on a motor vehicle is by, or at the direction of, a parent or
15 legal guardian who owns or leases the vehicle, and if the device is used solely
16 for the purpose of monitoring the minor child of the parent or legal guardian
17 when the child is an occupant of the vehicle, then the installation, concealment,
18 placement, or use of the device in or on the vehicle without the consent of any
19 or all occupants in the vehicle shall not be a violation, unless the person
20 utilizing the tracking device has an active protection order against them for the
21 protection of any vehicle occupant.

1 (3) It shall not be a violation of this section if an electronic tracking
2 device is attached to stolen goods for the purpose of tracking the location of
3 the stolen goods, whether or not they may be transported in a vehicle, or if
4 installed, concealed, placed, or used in or on a vehicle as a vehicle theft
5 recovery device.

6 (4) It shall not be a violation of this section if an electronic tracking
7 device, including devices also containing technology used to remotely disable
8 the starter of a motor vehicle, is installed or used by a motor vehicle dealer in
9 connection with the credit sale, loan, or lease of a motor vehicle with the
10 express written consent of the vehicle's purchaser, lessor, or lessee.

11 (5) It shall not be a violation of this section if an electronic tracking
12 device is installed or used by a business that is authorized to transact business
13 in this State and the tracking device is used by the business for the purpose of
14 tracking vehicles that are owned or leased by the business and driven by
15 employees of that business, its affiliates, or contractors of that business or its
16 affiliates.

17 (d) The provisions of this section shall not apply to a tracking system
18 installed by the manufacturer of a motor vehicle or a provider of telematics
19 equipment and services, installed or used by an entity renting out vehicles, or
20 installed or provided by an insurance company with the vehicle owner's or

1 vehicle lessee's permission to monitor driving habits for insurance rating
2 purposes.

3 (e) A person who violates this section shall be imprisoned not more than
4 one year or fined not more than \$1,000.00, or both.

5 Sec. 3. 15 V.S.A. § 1111 is added to read:

6 § 1111. USE OF VEHICLE

7 A plaintiff in a request for relief pursuant to section 1103 or 1104 of this
8 title may request possession of a vehicle for a set period of time. A court shall
9 grant a plaintiff possession of a vehicle if:

10 (1) the plaintiff's possession of a vehicle is necessary to escape abuse or
11 future abuse; and

12 (2) the plaintiff:

13 (A) is the owner or joint owner of the vehicle;

14 (B) is the primary payor on the vehicle loan;

15 (C) has primary possession or control of the vehicle; or

16 (D) has been restricted from using the vehicle by the defendant.

17 Sec. 4. 15 V.S.A. chapter 21, subchapter 6 is added to read:

18 Subchapter 6. Disconnecting Vehicle Location Access

19 § 1191. PURPOSE

20 Connected vehicle services that allow a person to view or track the location
21 of a vehicle can be misused to stalk or harass survivors of domestic violence.

1 The purpose of this subchapter is to establish a process whereby domestic
2 violence survivors can quickly terminate or disable an abuser’s access to a
3 vehicle’s connected services even if the abuser is the account holder.

4 § 1192. DEFINITIONS

5 As used in this subchapter:

6 (1) “Abuser” means a person who has committed or allegedly
7 committed domestic assault, sexual assault, or stalking against a survivor or is
8 a defendant subject to a temporary or final relief from abuse order issued
9 pursuant to subchapter 1 of this chapter in which the survivor is the plaintiff.

10 (2) “Account holder” means a person who is a party to or a user of
11 services provided under a contract for connected vehicle service with a covered
12 provider, and includes a subscriber, customer, or registered user.

13 (3) “Connected vehicle location access” is a type of connected vehicle
14 service that allows a person who is outside of a vehicle, excluding a covered
15 provider or vehicle cellular data provider, to view or track the location of the
16 vehicle, including a location determined by a Global Positioning System
17 (GPS), whether through the internet, an app-based technology, or any other
18 remote wireless connectivity technology.

19 (4) “Connected vehicle service” means any capability provided by or on
20 behalf of a vehicle manufacturer that enables a person, excluding a covered
21 provider or vehicle cellular data provider, to remotely obtain data from, or send

1 commands to, a vehicle, which may be accomplished through a software
2 application that is designed to be operated on a mobile device.

3 (5) “Connected vehicle service account” means an account or other
4 means by which a person enrolls in or obtains access to a connected vehicle
5 service.

6 (6) “Connected vehicle service request” means a request by a survivor to
7 terminate an abuser’s access to connected vehicle service.

8 (7) “Covered provider” means a vehicle manufacturer or an entity acting
9 on behalf of the vehicle manufacturer that provides connected vehicle service.

10 (8) “Survivor” means a person who is at least 18 years of age who is the
11 victim or alleged victim of domestic assault, sexual assault, or stalking or who
12 is the plaintiff granted relief pursuant to a temporary or final relief from abuse
13 order issued pursuant to subchapter 1 of this chapter.

14 § 1193. NOTICE

15 (a) A covered provider shall provide a prominent and clearly visible link
16 entitled “HOW TO DISCONNECT LOCATION TRACKING AND
17 REMOTE VEHICLE ACCESS” on its website to complete both of the
18 following transactions:

19 (1) Submit a connected vehicle service request.

20 (2) Obtain a new connected vehicle service account.

1 (b) A covered provider shall ensure that all communications provided
2 pursuant to this section are clear, concise, and written in accessible language.

3 It is imperative that drivers who are survivors receive support and clear
4 guidance throughout the process for submitting a connected vehicle service
5 request or obtaining a new connected vehicle service account.

6 § 1194. PROCESS

7 (a) Notwithstanding an abuser being an account holder, a survivor may
8 make any of the following connected vehicle service requests to a covered
9 provider:

10 (1) to terminate or disable a covered connected vehicle service account
11 associated with an abuser; or

12 (2) to terminate or disable a covered connected vehicle service account
13 associated with the covered vehicle, including by resetting or deleting any data
14 or wireless connection with respect to the covered vehicle, and provide
15 instructions to the survivor on how to reestablish a connected vehicle service
16 account.

17 (b) A survivor shall demonstrate to a covered provider the authority to
18 terminate an abuser's access to connected vehicle service by providing the
19 following:

20 (1) The vehicle identification number.

1 (2) Proof of legal possession of the vehicle, which may be a legal title to
2 the vehicle, or a dissolution decree, temporary court order, or domestic
3 violence restraining order that awards possession or exclusive use of the
4 vehicle to the survivor. A court order awarding sole possession or exclusive
5 use of a vehicle shall take priority over a vehicle title showing joint ownership
6 for purposes of this section.

7 (3) Proof that the survivor has been subjected to domestic violence.
8 Evidence may include:

9 (A) a copy of a temporary or final relief from abuse order in which
10 the survivor is the plaintiff and the abuser is the defendant, indicating that the
11 survivor has been granted relief;

12 (B) an affidavit from a law enforcement officer that there is probable
13 cause that the survivor has been the victim of a domestic assault, sexual
14 assault, or stalking in which the abuser is the alleged perpetrator; or

15 (C) a signed and notarized statement from a domestic or sexual
16 violence advocate outlining the following:

17 (i) the survivor is a victim of domestic assault, sexual assault, or
18 stalking in which the abuser is the alleged perpetrator;

19 (ii) termination of access to the vehicle service is necessary for the
20 survivor's safety; and

1 (iii) the advocate has crisis worker privilege and a release to
2 provide this information.

3 (c) When a survivor submits a connected vehicle service request or request
4 to obtain a new connected vehicle service account, the covered provider shall
5 automatically send a confirmation email to the survivor acknowledging the
6 receipt of the request. This email shall contain a reference number for the
7 request and an outline of the subsequent steps in the process.

8 (d) Within two days after receiving a request, a covered provider shall
9 inform the survivor of the action taken, including, as applicable, whether an
10 abuser’s access to connected vehicle service has been terminated or if
11 additional information or proof of legal possession of the vehicle is needed.
12 This alert shall clearly state any relevant details or further actions required
13 from the survivor to complete a successful connected vehicle service request.

14 (e) If a connected vehicle service request is approved, the covered provider
15 shall provide the survivor with a clear explanation and guidance on how to
16 create the survivor’s own connected vehicle service account, if applicable, to
17 ensure that the survivor can maintain control over the connected vehicle
18 service once the abuser’s access to connected vehicle service has been
19 terminated.

1 (f) A covered provider shall not require a survivor to take any action to
2 terminate a person's access to connected vehicle service other than what is set
3 forth in this section, including:

4 (1) the payment of a fee, penalty, or other charge to complete a
5 connected vehicle service request;

6 (2) maintaining or extending the term of a connected vehicle service
7 account;

8 (3) approval by any account holder, including the named account holder,
9 of the change in access; or

10 (4) an increase in the rate charged for the connected vehicle service.

11 § 1195. PRIVACY

12 The following privacy protocols shall be followed in administering this
13 subchapter:

14 (1) If a covered provider terminated a person's access to connected
15 vehicle service in response to a connected vehicle service request, the covered
16 provider shall not provide to the abuser any data or information regarding the
17 survivor, the vehicle, or any new connected vehicle service account that was
18 generated after the abuser's access to the connected vehicle service was
19 terminated.

20 (2) A covered provider shall ensure that all personal information
21 provided during the process to terminate an abuser's access to connected

1 vehicle service is handled with appropriate security and privacy, adhering to
2 relevant data protection laws and regulations.

3 (3) A covered provider and any officer, director, employee, vendor, or
4 agent thereof shall treat any information submitted by a survivor pursuant to
5 this section as confidential and shall comply with applicable privacy laws.

6 (4) A covered provider shall not share information submitted by a
7 survivor pursuant to this section with any third party without the affirmative
8 consent of the survivor, unless sharing that information is required to
9 effectuate a connected vehicle service request.

10 (5) Nothing in this section shall preclude a covered provider from
11 responding to a court order or warrant.

12 § 1196. TECHNICAL INFEASIBILITY

13 (a) The requirement to effectuate the requested action in subsection 1194(c)
14 of this section shall not apply to a covered provider if the covered provider
15 cannot operationally or technically effectuate the request.

16 (b) If a covered provider cannot operationally or technically effectuate the
17 request, the covered provider shall:

18 (1) promptly notify the survivor who submitted the connected vehicle
19 service request of that infeasibility; and

1 (2) provide the survivor with information about whether the operational
2 or technical infeasibility can be remedied and, if so, any steps the survivor can
3 take to assist in remedying such infeasibility.

4 § 1197. MISCELLANEOUS

5 (a) The termination of connected vehicle service pursuant to this section
6 shall not be deemed to impact legal ownership of a vehicle.

7 (b) This subchapter does not apply to vehicles owned or operated by a
8 rental company.

9 (c) A covered provider or any officer, director, employee, vendor, or agent
10 of a covered provider shall not be subject to liability for any claims deriving
11 from an action taken in compliance with this section.

12 Sec. 5. EFFECTIVE DATE

13 This act shall take effect on July 1, 2025.