

**RESOLUTION NO. 20 -2015, ADOPTING LOCAL LAW
NO. -2015, A LOCAL LAW TO PROHIBIT THE USE OF
UNAUTHORIZED TRACKING DEVICES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on October 7, 2014, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT THE USE OF UNAUTHORIZED TRACKING DEVICES**;" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2015, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO PROHIBIT THE USE OF UNAUTHORIZED TRACKING DEVICES

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Global Positioning Systems ("GPS") are commonly used for mapping, directional and tracking purposes all over the world.

This Legislature also finds that while GPS devices have many legitimate and useful purposes, some people use these devices to improperly invade the privacy rights of others, or worse, utilize them in furtherance of criminal activity.

This Legislature further determines that the courts have found that persons operating a motor vehicle have a legitimate right to privacy and, therefore, law enforcement agencies must obtain a warrant before placing a GPS device on a motor vehicle.

This Legislature further finds that other states have enacted legislation that restricts the use of GPS devices for tracking purposes and the State of New York recently enacted a law making it a misdemeanor to use a GPS device to stalk a person.

This Legislature also finds that it is appropriate to enact local legislation to restrict the use of GPS devices in order to protect the privacy rights and safety of Suffolk County residents.

Therefore, the purpose of this local law is to prohibit any person or entity from placing a GPS tracking device on a motor vehicle without the knowledge and consent of the motor vehicle's owner.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

“Electronic Tracking Device” shall mean any electronic device which permits the tracking of the movement of a person or thing by means of a Global Positioning System or by any other means.

“Owner” shall mean the titled owner(s) of a motor vehicle. In the case of a leased vehicle, this term shall mean the person or entity authorized by the title owner to register the vehicle with the New York State Department of Motor Vehicles. This term shall not include a motor vehicle’s lienholder.

“Person” shall mean any natural person, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business or any kind.

Section 3. Prohibition.

No person shall install or place an electronic tracking device in or on a motor vehicle within the County of Suffolk without the knowledge and consent of all owners of the motor vehicle or track the location of a motor vehicle with an electronic device tracking device within the County of Suffolk without the knowledge and consent of all owners of the motor vehicle.

Section 4. Exemption.

This law shall not apply to any member of a law enforcement agency acting within the scope of their employment.

Section 5. Penalties.

Violations of this law shall constitute an unclassified misdemeanor punishable by up to one (1) year in jail and/or a fine of \$1,000.

Section 6. Applicability.

This law shall apply to actions occurring on or after the effective date of this law.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK

ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 9. Effective Date.

This law shall take effect on the sixtieth (60th) day immediately subsequent to filing in the Office of the Secretary of State.

DATED: February 3, 2015

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: February 19, 2015