

Introduced by

Representatives O'Brien, Westlund

Senators Kreun, Patten

1 A BILL for an Act to create and enact section 51-07-28.1 of the North Dakota Century Code,
2 relating to tracking devices on motor vehicles; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** Section 51-07-28.1 of the North Dakota Century Code is created and enacted
5 as follows:

6 **51-07-28.1. Tracking devices on motor vehicles - Disclosure - Removal - Penalty.**

7 1. As used in this section:

8 ~~a. "Dealer" means a person licensed under chapter 39-22 to engage in the business~~
9 ~~of buying, selling, leasing, or trading new or used motor vehicles.~~

10 ~~b. "Dealership" means the location from which a dealer buys, sells, leases, trades,~~
11 ~~stores, or in any other manner deals in new or used motor vehicles.~~

12 ~~2. After the sale of a motor vehicle, a dealer~~A lender may not require a person to install
13 ~~or place~~maintain a global tracking or positioning system or device on ~~the~~a motor
14 vehicle for the purpose of locating or tracking the vehicle to repossess the vehicle in
15 case of loan default, unless:

16 a. The ~~dealer~~lender includes within the ~~purchase~~financing contract, in a clear and
17 conspicuous manner, information on the installation or placement of the system
18 or device;

19 b. The system or device is installed at no cost to the buyer; and

20 c. The system or device is removed within sixty days of the loan for the motor
21 vehicle being paid in full at:

22 (1) ~~The dealer's dealership at no expense to the buyer~~of the seller or lender;
23 ~~or~~and

1 (2) ~~The expense of the dealer at a~~A location agreed upon by the ~~dealer~~seller or
2 lender and buyer.
3 ~~3.2.~~ A ~~dealer~~lender that violates this section is subject to a fine of not more than five
4 hundred dollars. In the case of a second or subsequent violation of this section, the
5 ~~dealer~~lender is subject to a fine of not less than one thousand dollars nor more than
6 two thousand dollars.