

Oklahoma Passes GPS and Starter Interrupt Device Law

June 29, 2018 | [Eric L. Johnson](#)

On May 1, 2018, Oklahoma Governor Mary Fallin signed House Bill 3260 into law. Effective immediately, the new law expands the crime of stalking to include the act of "following," defined as the "tracking of the movement or location of an individual through the use of a Global Positioning System (GPS) device or other monitoring device ... without the consent of the individual whose movement or location is being tracked."

The crime of stalking in Oklahoma involves a person "willfully, maliciously, and repeatedly" following or harassing another person in a manner that would cause a reasonable person or a member of that person's immediate family to feel frightened, intimidated, threatened, harassed, or molested and actually causes that person to feel terrorized, frightened, intimidated, threatened, harassed, or molested. The offense is a misdemeanor punishable by a \$1,000 fine, a year in the county jail, or both.

Similar changes to the stalking statute were proposed a few years ago, but the bill ran into some setbacks, and it never became law. The law was resurrected this year after Rep. Mark McBride reportedly discovered an unauthorized and secret tracking device on his pickup truck last December. In interviews with reporters from many of the local news stations, he stated that he suspected the wind industry had him investigated and tracked because of his outspoken criticism of state tax incentives for wind farms. As you might expect from Oscar Hammerstein's "Oklahoma where the wind comes sweeping down the plain" lyrics, the wind industry is mighty powerful in Oklahoma, and this allegation made some serious news.

Shortly thereafter, Rep. McBride introduced H.B. 3260 after meeting with the Oklahoma State Bureau of Investigation and the Oklahoma Highway Patrol to discuss the perceived gap in the law for unauthorized tracking and stalking.

Fortunately for dealers and auto creditors, the new law created an exception to the definition of "following" for the use by a new or used motor vehicle dealer or other motor vehicle creditor of a GPS device or other monitoring device, including a device that contains technology used to remotely disable the ignition of a vehicle (i.e., a starter interrupt device), in connection with lawful action after default under the terms of a motor vehicle credit sale, loan, or lease and with the express written consent of the owner or lessee of the vehicle.

So, if you plan on installing a GPS device or a starter interrupt device on a buyer's or lessee's vehicle in Oklahoma, you now need express written consent to do so. If you fail to obtain prior express written consent to install the device, you'll be looking at paying a nice little fine and/or doing some time in the county jail. Plus, you'll get some free and very unwanted publicity for being guilty of stalking in the state.

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