

# ASSEMBLY, No. 2340

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

**Sponsored by:**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**SYNOPSIS**

Prohibits commercial mobile service providers from disclosing customer's global positioning system data to third parties.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 2/13/2020)

1 AN ACT concerning commercial mobile service providers and  
2 global positioning system data and supplementing Title 56 of the  
3 Revised Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. As used in P.L. , c. (C. ) (pending before the Legislature  
9 as this bill):

10 "Commercial mobile service" means a type of mobile  
11 telecommunications service as defined in subsection (d) of section 332  
12 of the Communications Act of 1934 (47 U.S.C. s.332(d)).

13 "Commercial mobile service provider" or "provider" means an  
14 individual, proprietorship, partnership, corporation, association, or  
15 other legal entity that provides commercial mobile service on a mobile  
16 device.

17 "Customer" means an individual within this State who provides,  
18 either knowingly or unknowingly, GPS data to a commercial mobile  
19 service provider in the course of using the provider's service on a  
20 mobile device.

21 "Disclose" means to release, transfer, share, disseminate, make  
22 available, sell, or otherwise communicate by any means to a third  
23 party a customer's GPS data.

24 "Global positioning system data" or "GPS data" means a  
25 customer's physical location information collected by a global  
26 positioning system on a mobile device that is accessible to a  
27 commercial mobile service provider.

28 "Mobile device" means wireless telecommunications device that is  
29 capable of collecting a customer's GPS data.

30 "Third party" means an individual, proprietorship, partnership,  
31 corporation, association, or other legal entity that may knowingly or  
32 willfully disclose a customer's GPS data.

33

34 2. a. A commercial mobile service provider that provides  
35 commercial mobile service to a customer shall not disclose the  
36 customer's global positioning system data to a third party, unless the  
37 customer has given consent for the third party to access the customer's  
38 GPS data.

39 b. A third party that accesses a customer's GPS data pursuant to  
40 subsection a. of this section shall not sell the GPS data in any case, and  
41 shall disclose the GPS data otherwise only as necessary to effectuate  
42 the purpose for which consent was given.

43 c. The provisions of subsection a. of this section shall not apply to  
44 a commercial mobile service provider or a third party required to  
45 disclose a customer's GPS data to comply with applicable federal or  
46 State law, regulation, law enforcement investigation, legal process, or  
47 court order.

