

[Second Reprint]

ASSEMBLY, No. 3950

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED APRIL 13, 2020

Sponsored by:

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

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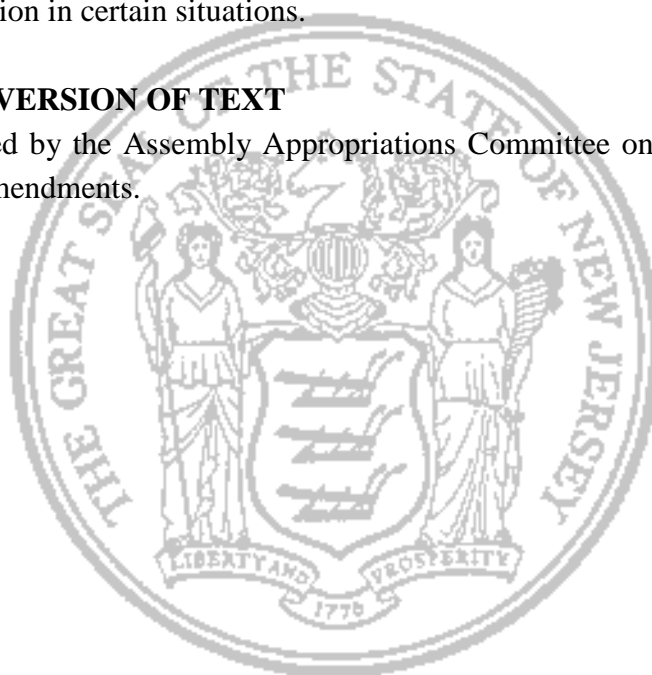
Assemblywoman Murphy and Assemblyman Conaway

SYNOPSIS

Makes employer use of certain tracking device or electronic communications device in vehicle operated by employee crime of fourth degree or civil violation in certain situations.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on November 12, 2020, with amendments.



(Sponsorship Updated As Of: 11/16/2020)

1 AN ACT prohibiting certain employer use of tracking devices and
2 supplementing Title 2C of the New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. As used in this act:

8 "Electronic communications device" means any device that uses
9 electronic signals to create, transmit, and receive information,
10 including a computer, telephone, personal digital assistant, or other
11 similar device.

12 "Employer" means an employer or employer's agent,
13 representative, or designee. The term "employer" does not include
14 the Department of Corrections, State Parole Board, county
15 corrections departments, ¹**[or]**¹ any State or local law enforcement
16 agency ¹, or any public transportation system, including but not
17 limited to, scheduled or charter bus transportation, whether operated
18 by a public or private company¹.

19 "Tracking device" means an electronic or mechanical device
20 which permits the tracking of the movement of a vehicle, person, or
21 device ²but shall not include devices used for the purpose of
22 documenting employee expense reimbursement².

23 b. It shall be a crime of the fourth degree for an employer to
24 ²knowingly² make use of a tracking device or electronic
25 communications device in a vehicle used by an employee that is not
26 provided by the employer ²**[**, or, in the case of a vehicle provided
27 by an employer for an employee's use, to make use of a tracking
28 device or electronic communications device]² without ¹**[**obtaining
29 the written consent of]**]** providing written notice to¹ the employee.

30 ¹c. It shall be a crime of the fourth degree for an employer to
31 ²**[**track an employee using an employer-provided tracking device or
32 electronic communications device without**]** knowingly make use of
33 a tracking device or electronic communications device in a vehicle
34 provided by an employer for an employee's use without² providing
35 written notice to the employee.

36 ²An employer who unknowingly violates any provision of this
37 act shall be subject to a civil penalty in an amount not to exceed
38 \$1,000 for the first violation and \$2,500 for each subsequent
39 violation, collectible by the Commissioner of Labor and Workforce
40 Development in a summary proceeding pursuant to the "Penalty
41 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).²

42 d. Nothing in this act shall be construed to supersede

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALA committee amendments adopted October 22, 2020.

²Assembly AAP committee amendments adopted November 12, 2020.

1 regulations governing interstate commerce, including but not
2 limited to, the usage of electronic communications devices as
3 mandated by the Federal Motor Carrier Safety Administration.¹

4

5 2. This act shall take effect on the 90th day next following the
6 date of enactment.