

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3950

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 22, 2020

The Assembly Labor Committee reports favorably and with committee amendments Assembly Bill No. 3950.

As amended, this bill requires an employer to notify an employee in writing before using a tracking device or electronic communications device on a vehicle used by the employee that is provided by the employer. Additionally, the bill prohibits the use of a tracking device or electronic communications device on a vehicle used by an employee that is not provided by the employer.

As amended, this bill provides that use of a tracking device in an employee's vehicle, or use of a tracking device in a vehicle provided by an employer without providing written notification to the employee, is a crime of the fourth degree.

Additionally, as amended, the bill makes it a crime of the fourth degree for an employer to track an employee using an employer-provided tracking device or electronic communications device without providing written notice to the employee.

A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months or a fine of up to \$10,000, or both.

As amended, the bill clarifies that nothing in the bill will be construed to supersede regulations governing interstate commerce, including but not limited to, the usage of electronic communications devices as mandated by the Federal Motor Carrier Safety Administration.

As amended, the bill excludes from the definition of employer public transportation systems, including scheduled or charter bus transportation, whether operated by a public or private company.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) exclude public transportation systems, including scheduled or charter bus transportation, whether operated by a public or private company, from the definition of employer;

(2) make it a crime of the fourth degree, in the case of a vehicle provided by an employer for an employee's use, for an employer to make use of a tracking device or electronic communications device

without providing written notice to the employee, rather than requiring the employer to obtain the consent of the employee;

(3) make it a crime of the fourth degree for an employer to track an employee using an employer-provided tracking device or electronic communications device without providing written notice to the employee; and

(4) clarify that nothing in the bill will be construed to supersede regulations governing interstate commerce, including but not limited to, the usage of electronic communications devices as mandated by the Federal Motor Carrier Safety Administration.