

CHAPTER 314

AN ACT concerning motor vehicle dealers and supplementing Title 56 of the Revised Statutes.

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

C.56:12-18.1 Motor vehicle dealer, possession, consumer, resale, lease, delete consumer's personal information; violations, penalties; definitions.

1. a. Whenever a motor vehicle dealer takes possession of a motor vehicle from a consumer for the purpose of resale or lease, the motor vehicle dealer shall offer to delete the consumer's personal information in the motor vehicle, including, but not limited to, navigation history, paired phones, and garage door codes, by performing data clearing protocols in accordance with the Guidelines for Media Sanitization developed by the National Institute of Standards and Technology using techniques specified by the vehicle manufacturer to overwrite data or by using a menu option to reset the device to original factory settings.

b. A motor vehicle dealer who violates the provisions of this section shall be subject to a civil penalty of \$500 for a first offense, and \$1,000 for any subsequent offense, to be collected and enforced by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction over proceedings for the enforcement of the penalty provided by this section.

c. A motor vehicle dealer may charge a reasonable fee for services performed in connection with the requirements of this section. The dealer shall disclose the fee to the consumer prior to performing the service and shall advise the consumer that the consumer may attempt to delete the personal information themselves or through another vendor.

d. As used in this section:

"Motor vehicle" has the same meaning as defined in R.S.39:1-1.

"Motor vehicle dealer" means any business that engages in selling or leasing motor vehicles to consumers.

2. This act shall take effect immediately.

Approved January 16, 2024.