

# ASSEMBLY, No. 5259

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 13, 2019

**Sponsored by:**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblywoman Vainieri Huttel, Assemblyman Rooney, Assemblywoman Timberlake, Assemblymen Webber, Mejia, Assemblywomen Quijano and DiMaso**

**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: 11/26/2019)**

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  
9 Legislature as this bill):

10 "Commercial mobile service" means a type of mobile  
11 telecommunications service as defined in subsection (d) of section  
12 332 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  
16 mobile 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  
29 is 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. "Third party" shall not  
33 include a legal entity that provides a mobile application or website  
34 to customers to which the customer has given consent to access the  
35 customer's GPS data.

36  
37 2. a. A commercial mobile service provider that provides  
38 commercial mobile service to a customer shall not disclose the  
39 customer's global positioning system data to a third party.

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

45  
46 3. It shall be an unlawful practice and violation of P.L.1960,  
47 c.39 (C.56:8-1 et seq.) for a commercial mobile service provider to

1 disclose a customer's GPS data pursuant to section 2 of P.L. ,  
2 c. (C. ) (pending before the Legislature as this bill).

3

4 4. The Director of the Division of Consumer Affairs in the  
5 Department of Law and Public Safety shall promulgate rules and  
6 regulations, pursuant to the "Administrative Procedure Act,"  
7 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the  
8 purposes of P.L. , c. (C. ) (pending before the Legislature as  
9 this bill).

10

11 5. This act shall take effect immediately.

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#### STATEMENT

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16 This bill prohibits commercial mobile service providers from  
17 disclosing a customer's global positioning system (GPS) data to  
18 third parties. The bill defines "third party" to mean an individual,  
19 proprietorship, partnership, corporation, association, or other legal  
20 entity that may knowingly or willfully disclose a customer's GPS  
21 data. "Third party" is not to include a legal entity that provides a  
22 mobile application or website to customers to which the customer  
23 has given consent to access the customer's GPS data.

24 The provisions of the bill are not to apply to a commercial  
25 mobile service provider required to disclose a customer's GPS data  
26 to comply with applicable federal or State law, regulation, law  
27 enforcement investigation, legal process, or court order.

28 The bill provides that a violation of the bill's requirements is a  
29 violation of the State's consumer fraud act, which may result in a  
30 penalty of not more than \$10,000 for the first offense and not more  
31 than \$20,000 for the second and each subsequent offense.