

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:

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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.

1 3. It shall be an unlawful practice and violation of P.L.1960, c.39
 2 (C.56:8-1 et seq.) for a commercial mobile service provider or a third
 3 party to disclose a customer’s GPS data in violation of section 2 of
 4 P.L. , c. (C.) (pending before the Legislature as this bill).

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

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 13 5. This act shall take effect immediately.

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STATEMENT

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 18 This bill prohibits commercial mobile service providers from
 19 disclosing a customer’s global positioning system (GPS) data to a
 20 third party, unless the customer has given consent for the third party to
 21 access the customer’s GPS data. The bill defines “third party” to
 22 mean an individual, proprietorship, partnership, corporation,
 23 association, or other legal entity that may knowingly or willfully
 24 disclose a customer’s GPS data.

25 The provisions of the bill require a third party that accesses a
 26 customer’s GPS data, pursuant to the bill, to not sell the GPS data in
 27 any case, and is to disclose the GPS data only as necessary to
 28 effectuate the purpose for which consent was given.

29 The provisions of the bill are not to apply to a commercial mobile
 30 service provider or a third party required to disclose a customer’s GPS
 31 data to comply with applicable federal or State law, regulation, law
 32 enforcement investigation, legal process, or court order.

33 The bill provides that a violation of its requirements is a
 34 violation of the State’s consumer fraud act, which may result in a
 35 penalty of not more than \$10,000 for the first offense and not more
 36 than \$20,000 for the second and each subsequent offense.