ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2340 and 2489

STATE OF NEW JERSEY

DATED: MARCH 5, 2020

The Assembly Consumer Affairs Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 2340 and 2489.

As substituted and reported, the bill prohibits commercial mobile service providers from disclosing a customer's geolocation data, as that term is defined in the bill, to a third party, unless the customer has given consent for the third party to access the customer's geolocation data.

The provisions of the bill require a third party that accesses a customer's geolocation data, pursuant to the bill, to not sell the geolocation data in any case, and to disclose the geolocation data only as necessary to effectuate the purpose for which consent was given.

The provisions of the bill are not to apply to: information provided to a law enforcement agency in response to a legal process; information provided to an emergency service organization responding to a 9-1-1 communication or any other communication reporting an imminent threat to life or property; information required to be provided by federal, State, or local law; or a customer providing the customer's own location data to a commercial mobile service provider, or mobile application developer to be disclosed for an authorized use.

A violation of the bill's provisions is an unlawful practice under the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.) An unlawful practice is punishable by a monetary penalty of not more than $10,000 for a first offense and not more than $20,000 for any subsequent offense. In addition, a violation can result in cease and desist orders issued by the Attorney General, the assessment of punitive damages, and the awarding of treble damages and costs to the injured.