[First Reprint]

ASSEMBLY, No. 3950

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED APRIL 13, 2020

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SYNOPSIS

Makes employer use of tracking device in vehicle operated by employee crime of fourth degree in certain situations.

CURRENT VERSION OF TEXT

As reported by the Assembly Labor Committee on October 22, 2020, with amendments.

(Sponsorship Updated As Of: 11/12/2020)

AN ACT prohibiting certain employer use of tracking devices and supplementing Title 2C of the New Jersey Statutes.

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

1. a. As used in this act:

"Electronic communications device" means any device that uses electronic signals to create, transmit, and receive information, including a computer, telephone, personal digital assistant, or other similar device.

"Employer" means an employer or employer's agent, representative, or designee. The term "employer" does not include the Department of Corrections, State Parole Board, county corrections departments, **[1]****[**or**]****[1]** any State or local law enforcement agency**[1]**, or any public transportation system, including but not limited to, scheduled or charter bus transportation, whether operated by a public or private company**[1]**.

"Tracking device" means an electronic or mechanical device which permits the tracking of the movement of a vehicle, person, or device.

b. It shall be a crime of the fourth degree for an employer to make use of a tracking device or electronic communications device in a vehicle used by an employee that is not provided by the employer, or, in the case of a vehicle provided by an employer for an employee's use, to make use of a tracking device or electronic communications device without **[1]****[**obtaining the written consent of**]** providing written notice to**[1]** the employee.

[1]c. It shall be 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.

d. Nothing in this act shall 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. **[1]**

2. This act shall take effect on the 90th day next following the date of enactment.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Assembly ALA committee amendments adopted October 22, 2020.