

[First Reprint]

ASSEMBLY, No. 3950

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED APRIL 13, 2020

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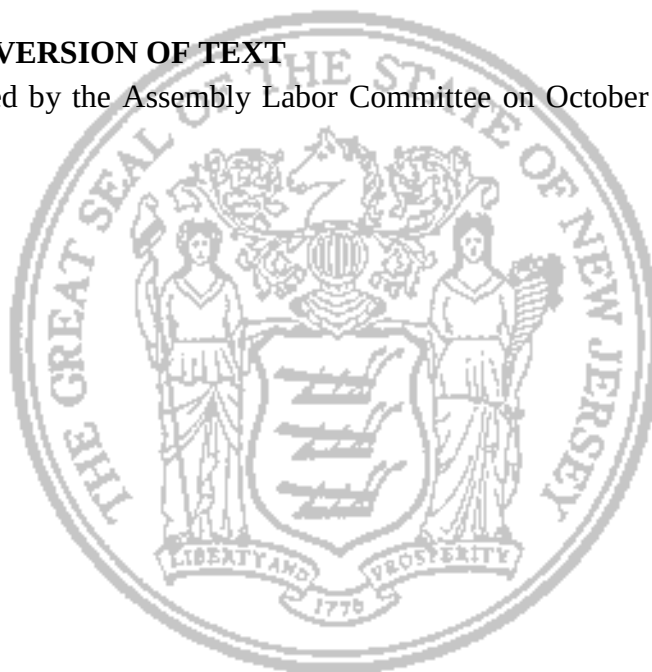
Assemblywoman Murphy

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)

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

3

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

6

7 1. a. As used in this act:

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

12 "Employer" means an employer or employer's agent,
13 representative, or designee. The term "employer" does not include
14 the Department of Corrections, State Parole Board, county
15 corrections departments, ¹**[or]**¹ any State or local law enforcement
16 agency¹, or any public transportation system, including but not
17 limited to, scheduled or charter bus transportation, whether operated
18 by a public or private company¹.

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

22 b. It shall be a crime of the fourth degree for an employer to
23 make use of a tracking device or electronic communications device
24 in a vehicle used by an employee that is not provided by the
25 employer, or, in the case of a vehicle provided by an employer for
26 an employee's use, to make use of a tracking device or electronic
27 communications device without ¹**[obtaining the written consent of]**
28 providing written notice to¹ the employee.

29 ¹c. It shall be a crime of the fourth degree for an employer to
30 track an employee using an employer-provided tracking device or
31 electronic communications device without providing written notice
32 to the employee.

33 d. Nothing in this act shall be construed to supersede
34 regulations governing interstate commerce, including but not
35 limited to, the usage of electronic communications devices as
36 mandated by the Federal Motor Carrier Safety Administration.¹

37

38 2. This act shall take effect on the 90th day next following the
39 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:

¹Assembly ALA committee amendments adopted October 22, 2020.