

[Third Reprint]

ASSEMBLY, No. 3950

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED APRIL 13, 2020

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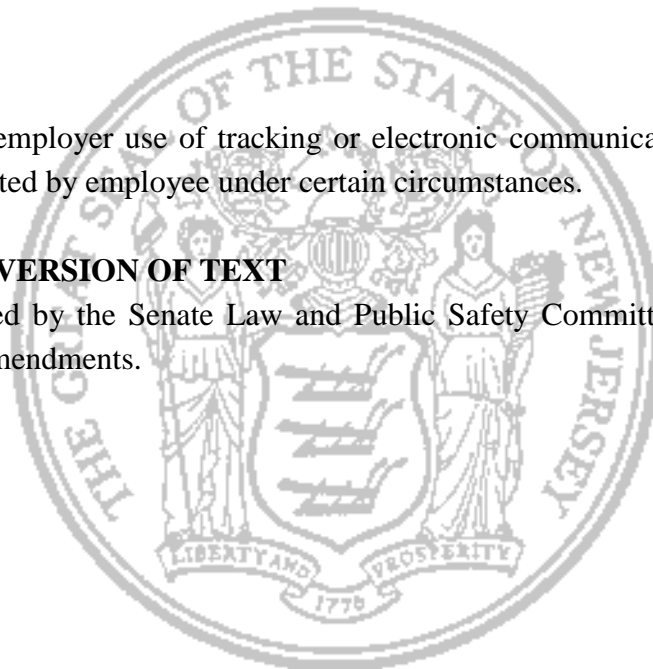
**Assemblywoman Murphy, Assemblyman Conaway, Senator Gill,
Assemblyman Wimberly and Assemblywoman Vainieri Huttle**

SYNOPSIS

Prohibits employer use of tracking or electronic communications device in vehicle operated by employee under certain circumstances.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on June 21, 2021, with amendments.



(Sponsorship Updated As Of: 12/20/2021)

1 AN ACT prohibiting certain employer use of tracking devices and
 2 supplementing Title 2C of the New Jersey Statutes ³and Title 34
 3 of the Revised Statutes.³

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

7
 8 1. a. As used in this act:

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

13 "Employer" means an employer or employer's agent,
 14 representative, or designee. The term "employer" does not include the
 15 Department of Corrections, State Parole Board, county ³[corrections
 16 departments] correctional facilities³, ¹[or]¹ any State or local law
 17 enforcement agency ¹, or any public transportation system, including
 18 but not limited to ³[.]³ scheduled or charter bus transportation,
 19 whether operated by a public or private company¹.

20 "Tracking device" means an electronic or mechanical device which
 21 permits the tracking of the movement of a vehicle, person, or device
 22 ²but shall not include devices used for the purpose of documenting
 23 employee expense reimbursement².

24 b. It shall be a crime of the fourth degree for an employer to
 25 ²knowingly² make use of a tracking device or electronic
 26 communications device in a vehicle used by an employee that is not
 27 provided by the employer ²[, or, in the case of a vehicle provided by
 28 an employer for an employee's use, to make use of a tracking device
 29 or electronic communications device]² without ¹[obtaining the written
 30 consent of] providing written notice to¹ the employee.

31 ¹c. It shall be a ³disorderly persons offense for the first and second
 32 violations and a³ crime of the fourth degree ³for each subsequent
 33 violation³ for an employer to ²track an employee using an employer-
 34 provided tracking device or electronic communications device
 35 without] knowingly make use of a tracking device or electronic
 36 communications device in a vehicle provided by an employer for an
 37 employee's use without² providing written notice to the employee.

38 ³²An employer who unknowingly violates any provision of this
 39 act shall be subject to a civil penalty in an amount not to exceed
 40 \$1,000 for the first violation and \$2,500 for each subsequent violation,
 41 collectible by the Commissioner of Labor and Workforce

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.

²Assembly AAP committee amendments adopted November 12, 2020.

³Senate SLP committee amendments adopted June 21, 2021.

1 Development in a summary proceeding pursuant to the "Penalty
2 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).²]³

3 d. Nothing in this act shall be construed to supersede regulations
4 governing interstate commerce³[.]³ including ³;³ but not limited to,
5 the usage of electronic communications devices as mandated by the
6 Federal Motor Carrier Safety Administration.¹

7
8 ³2. An employer who unknowingly violates subsection b. or c. of
9 section 1 of P.L. c. (C.) (pending before the Legislature as this
10 bill) shall be subject to a civil penalty in an amount not to exceed
11 \$1,000 for the first violation and \$2,500 for each subsequent violation,
12 collectible by the Commissioner of Labor and Workforce
13 Development in a summary proceeding pursuant to the "Penalty
14 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).³

15
16 ³[2.]³ This act shall take effect on the 90th day next
17 following the date of enactment.