

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3950

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 12, 2020

The Assembly Appropriations Committee reports favorably, and with committee amendments, Assembly Bill No. 3950 (1R).

As amended, this bill requires an employer to notify an employee in writing before using a tracking device or electronic communications device on a vehicle used by the employee that is provided by the employer. Devices used for the purpose of documenting employee expense reimbursement are not included in the definition of tracking device.

Additionally, the bill prohibits the use of a tracking device or electronic communications device on a vehicle used by an employee that is not provided by the employer.

This bill provides that the knowing use of a tracking device in an employee's vehicle, or use of a tracking device in a vehicle provided by an employer without providing written notification to the employee, is a crime of the fourth degree.

Additionally, the bill makes it a crime of the fourth degree for an employer to knowingly track an employee using an employer-provided tracking device or electronic communications device without providing written notice to the employee. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months or a fine of up to \$10,000, or both.

The bill makes it a civil violation for an employer to unknowingly violate the provisions of this bill. The civil penalty is up to \$1,000 for the first offense and up to \$2,500 for each subsequent offense.

The bill clarifies that nothing in the bill will 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.

The bill excludes from the definition of employer public transportation systems, including scheduled or charter bus transportation, whether operated by a public or private company.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) specify that it is a crime of the fourth degree to knowingly make use of a tracking device without providing written notice to the employee;

(2) classify the unknowing use of a tracking device as a civil violation subject to a penalty of up to \$1,000 for the first violation and \$2,500 for each subsequent violation;

(3) define “tracking device” to exclude devices used for the purpose of documenting employee expense reimbursement; and

(4) make other technical changes.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.