SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 3950

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 21, 2021

The Senate Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3950 (2R).

As amended and reported by the committee, this bill imposes criminal and civil penalties on an employer's use of a tracking device in a vehicle operated by an employee.

The amended bill makes it a fourth degree crime for an employer to knowingly use a tracking device or electronic communications device in a vehicle used by an employee that is not provided by the employer without the employee's written consent. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to $10,000, or both.

If the vehicle is provided by an employer, it is a disorderly persons offense if it is the employer's first or second violation. A disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to $1,000, or both. It is a crime of the fourth degree for subsequent offenses.

If an employer unknowingly violates the provisions of the bill, the employer is to be subject to a civil penalty of up to $1,000 for the first violation and $2,500 for each subsequent violation to be collected by the Department of Labor and Workforce Development.

Finally, the amended bill clarifies that nothing in the bill is to 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.

Under the amended bill, "employer" is defined as an employer or employer's agent, representative, or designee, but excludes the Department of Corrections, State Parole Board, county corrections facilities, State or local law enforcement agencies, or any public transportation system including, but not limited to, scheduled or charter bus transportation, whether operated by a public or private company.

As amended and reported by the committee, Assembly Bill No. 3950 (2R) is identical to Senate Bill No. 3180, which also was amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to make:

1) it a disorderly persons offense for the employer's first or second violation of using a tracking device in a vehicle it provides; as introduced, these violations constituted fourth degree crimes; subsequent violations continue to be fourth degree crimes;

2) the civil penalty a separate section to be allocated to Title 34 of the Revised Statutes; and

3) other technical amendments.