P.L. 2021, CHAPTER 449, ***approved January 18, 2022***
Assembly, No. 3950 ***(Fourth Reprint)***

AN ACT prohibiting certain employer use of tracking devices and supplementing [4]⟦Title 2C of the New Jersey Statutes [3] and⟧[4] Title 34 of the Revised Statutes.[3]

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 [3]⟦corrections departments⟧ correctional facilities[3], [1]⟦or⟧[1] any State or local [4]⟦law enforcement agency⟧ government entity[4] [1], or any public transportation system, including but not limited to [3]⟦,⟧[3] scheduled or charter bus transportation, whether operated by a public or private company[1].

"Tracking device" means an electronic or mechanical device which [4]⟦permits the tracking of⟧ is designed or intended to be used for the sole purpose of tracking[4] the movement of a vehicle, person, or device [2]but shall not include devices used for the purpose of documenting employee expense reimbursement[2].

b. [4]⟦It shall be a crime of the fourth degree for an⟧ An[4] employer [4]⟦to⟧ who[4] [2]knowingly[2] [4]⟦make⟧ makes[4] use of a tracking device [4]⟦or electronic communications device⟧[4] in a vehicle used by an employee [4]⟦that is not provided by the employer⟧[4] [2]⟦, 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⟧[2] without [1]⟦obtaining the written consent of⟧ providing written notice to[1] the employee [4]shall be subject to a civil penalty in an amount not to exceed $1,000 for the first violation and not to exceed $2,500 for each subsequent

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.
[2]Assembly AAP committee amendments adopted November 12, 2020.
[3]Senate SLP committee amendments adopted June 21, 2021.
[4]Assembly amendments adopted in accordance with Governor's recommendations January 10, 2022.

violation, collectible by the Commissioner of Labor and Workforce Development in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.)[4].

[4][1]c. It shall be a [3]disorderly persons offense for the first and second violations and a[3] crime of the fourth degree [3]for each subsequent violation[3] for an employer to [2][track an employee using an employer-provided tracking device or electronic communications device without] knowingly make use of a tracking device or electronic communications device in a vehicle provided by an employer for an employee's use without[2] providing written notice to the employee.][4]

[3][[2]An employer who unknowingly violates any provision of this act shall be subject to a civil penalty in an amount not to exceed $1,000 for the first violation and $2,500 for each subsequent violation, collectible by the Commissioner of Labor and Workforce Development in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).[2]][3]

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

[4][[3]2. An employer who unknowingly violates subsection b. or c. of section 1 of P.L. c. (C.) (pending before the Legislature as this bill) shall be subject to a civil penalty in an amount not to exceed $1,000 for the first violation and $2,500 for each subsequent violation, collectible by the Commissioner of Labor and Workforce Development in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).[3]][4]

[3][2.] [4][3.[3]] 2.[4] This act shall take effect on the 90th day next following the date of enactment.

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