SENATE, No. 1832

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

SYNOPSIS

Prohibits commercial mobile service providers from disclosing customer's global positioning system data to third parties.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning commercial mobile service providers and global positioning system data and supplementing Title 56 of the Revised Statutes.

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

1. As used in P.L. , c. (C.) (pending before the Legislature as this bill):

"Commercial mobile service" means a type of mobile telecommunications service as defined in subsection (d) of section 332 of the Communications Act of 1934 (47 U.S.C. s.332(d)).

"Commercial mobile service provider" or "provider" means an individual, proprietorship, partnership, corporation, association, or other legal entity that provides commercial mobile service on a mobile device.

"Customer" means an individual within this State who provides, either knowingly or unknowingly, GPS data to a commercial mobile service provider in the course of using the provider's service on a mobile device.

"Disclose" means to release, transfer, share, disseminate, make available, sell, or otherwise communicate by any means to a third party a customer's GPS data.

"Global positioning system data" or "GPS data" means a customer's physical location information collected by a global positioning system on a mobile device that is accessible to a commercial mobile service provider.

"Mobile device" means wireless telecommunications device that is capable of collecting a customer's GPS data.

"Third party" means an individual, proprietorship, partnership, corporation, association, or other legal entity that may knowingly or willfully disclose a customer's GPS data.

2. a. A commercial mobile service provider that provides commercial mobile service to a customer shall not disclose the customer's global positioning system data to a third party, unless the customer has given consent for the third party to access the customer's GPS data.

b. A third party that accesses a customer's GPS data pursuant to subsection a. of this section shall not sell the GPS data in any case, and shall disclose the GPS data otherwise only as necessary to effectuate the purpose for which consent was given.

c. The provisions of subsection a. of this section shall not apply to a commercial mobile service provider or a third party required to disclose a customer's GPS data to comply with applicable federal or State law, regulation, law enforcement investigation, legal process, or court order.

3. It shall be an unlawful practice and violation of P.L.1960, c.39 (C.56:8-1 et seq.) for a commercial mobile service provider or a third party to disclose a customer's GPS data in violation of section 2 of P.L. , c. (C.) (pending before the Legislature as this bill).

4. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety shall promulgate rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the purposes of P.L. , c. (C.) (pending before the Legislature as this bill).

5. This act shall take effect immediately.

STATEMENT

This bill prohibits commercial mobile service providers from disclosing a customer's global positioning system (GPS) data to a third party, unless the customer has given consent for the third party to access the customer's GPS data. The bill defines "third party" to mean an individual, proprietorship, partnership, corporation, association, or other legal entity that may knowingly or willfully disclose a customer's GPS data.

The provisions of the bill require a third party that accesses a customer's GPS data, pursuant to the bill, to not sell the GPS data in any case, and is to disclose the GPS data only as necessary to effectuate the purpose for which consent was given.

The provisions of the bill are not to apply to a commercial mobile service provider or a third party required to disclose a customer's GPS data to comply with applicable federal or State law, regulation, law enforcement investigation, legal process, or court order.

The bill provides that a violation of its requirements is a violation of the State's consumer fraud act, which may result in a penalty of not more than $10,000 for the first offense and not more than $20,000 for the second and each subsequent offense.