

SENATE, No. 3180

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 16, 2020

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Makes employer use of certain tracking device or electronic communications device in vehicle operated by employee crime of fourth degree or civil violation in certain situations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/11/2021)

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

3

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

6

7 1. a. As used in this act:

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

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

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

23 b. It shall be a crime of the fourth degree for an employer to
24 knowingly make use of a tracking device or electronic
25 communications device in a vehicle used by an employee that is not
26 provided by the employer, without providing written notice to the
27 employee.

28 c. It shall be a crime of the fourth degree for an employer to
29 knowingly make use of a tracking device or electronic
30 communications device in a vehicle provided by an employer for an
31 employee's use without providing written notice to the employee.

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

38 d. Nothing in this act shall be construed to supersede
39 regulations governing interstate commerce, including but not
40 limited to, the usage of electronic communications devices as
41 mandated by the Federal Motor Carrier Safety Administration.

42

43 2. This act shall take effect on the 90th day next following the
44 date of enactment.

STATEMENT

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.