

[First Reprint]

SENATE, No. 3180

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 16, 2020

Sponsored by:

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District 14 (Mercer and Middlesex)

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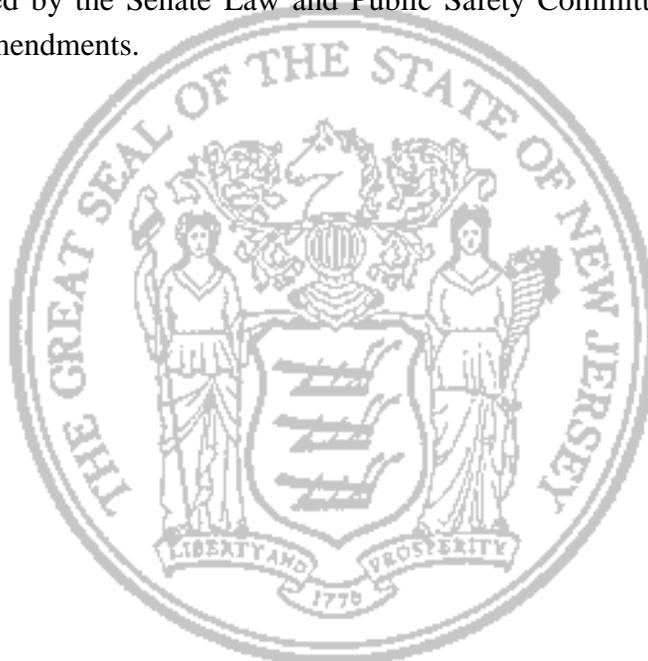
Senator Gill

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on June 21, 2021, with amendments.



(Sponsorship Updated As Of: 6/30/2021)

1 AN ACT prohibiting certain employer use of tracking devices and
2 supplementing Title 2C of the New Jersey Statutes ¹and Title 34
3 of the Revised Statutes¹.

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

7
8 1. a. As used in this act:

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

13 "Employer" means an employer or employer's agent,
14 representative, or designee. The term "employer" does not include the
15 Department of Corrections, State Parole Board, county ¹[corrections
16 departments] correctional facilities¹, ¹[or]¹ any State or local law
17 enforcement agency, or any public transportation system, including but
18 not limited to¹[,]¹ scheduled or charter bus transportation, whether
19 operated by a public or private company.

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

24 b. It shall be a crime of the fourth degree for an employer to
25 knowingly make use of a tracking device or electronic
26 communications device in a vehicle used by an employee that is not
27 provided by the employer¹[,]¹ without providing written notice to the
28 employee.

29 c. It shall be a ¹disorderly persons offense for the first and second
30 violations and a crime of the fourth degree ¹for each subsequent
31 violation¹ for an employer to knowingly make use of a tracking device
32 or electronic communications device in a vehicle provided by an
33 employer for an employee's use without providing written notice to
34 the employee.

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

41 d. Nothing in this act shall be construed to supersede regulations
42 governing interstate commerce¹[,]¹ including¹,¹ but not limited to, the
43 usage of electronic communications devices as mandated by the
44 Federal Motor Carrier Safety Administration.

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:

¹Senate SLP committee amendments adopted June 21, 2021.

1 ¹2. An employer who unknowingly violates subsection b. or c. of
2 section 1 of P.L. c. (C.) (pending before the Legislature as
3 this bill) shall be subject to a civil penalty in an amount not to
4 exceed \$1,000 for the first violation and \$2,500 for each subsequent
5 violation, collectible by the Commissioner of Labor and Workforce
6 Development in a summary proceeding pursuant to the "Penalty
7 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).¹
8

9 ¹[2.] 3.¹ This act shall take effect on the 90th day next
10 following the date of enactment.