

CHAPTER 449

AN ACT prohibiting certain employer use of tracking devices and supplementing Title 34 of the Revised Statutes.

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

C.34:6B-22 Written notice for vehicle tracking device; penalties; definitions.

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 correctional facilities, any State or local government entity, or any public transportation system, including, but not limited to, scheduled or charter bus transportation, whether operated by a public or private company.

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

b. An employer who knowingly makes use of a tracking device in a vehicle used by an employee without providing written notice to the employee 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 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.).

c. Nothing in this act shall 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.

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

Approved January 18, 2022.