

New Jersey Employers Now Required to Notify Employees When Using Tracking Devices on Vehicles

Employers in New Jersey take notice: As of April 18, 2022, it is prohibited by law to use tracking devices on employee vehicles without providing written notice.

March 28, 2022

On January 18, 2022, Gov. Murphy signed into law [Assembly Bill NO. 3950](#) which requires private employers to provide written notice alerting employees of the use of tracking devices on employee operated vehicles. Under the bill, employers may not “knowingly” make “use of a tracking device on a vehicle used by an employee” without “providing written notice to the employee.” The bill defines a tracking device as 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.” The law will go into effect April 18, 2022.

The law, however, does not supersede regulations that govern interstate commerce, including, but not limited to, the usage of electronic communications devices as mandated by the Federal Motor Carrier Safety Administration. In addition, the law does not include devices used for the purpose of documenting employee expense reimbursement. While it remains unclear if certain GPS-enabled devices (including E-ZPass) will be considered “tracking devices” under the new legislation, it is advisable to err on the side of caution when addressing this change in law and notify the employee that the device is in use in the vehicle.

Any employer found to be in violation of the new law is subject to a civil penalty of up to \$1,000 for the first violation and up to \$2,500 for each subsequent violation.

Employers who use, or are considering using tracking devices, may wish to consult with legal counsel to assist with preparing employee notice communications.

If you have any questions concerning the above bill, or any other federal or state employment laws, please feel free to contact Jennine DiSomma or Catherine Soliman of Saiber LLC’s Employment and Labor Law practice.