

New Jersey Requires Employers to Notify Employees of the Use of Tracking Devices

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On January 18, 2022, New Jersey Governor Phil Murphy signed into law [Assembly Bill No. 3950](#), requiring employers to provide written notice to employees prior to the use of tracking devices in vehicles used by employees (the "Act"). The Act will go into effect on April 18, 2022.

Under the Act, an employer who "knowingly makes use of a tracking device in a vehicle used by an employee" must first provide written notice to the employee. The Act 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 but shall not include devices used for the purpose of documenting employee expense reimbursement." Certain employers are exempted from the Act, including the Department of Corrections, State Parole Board, county correctional facilities, any state or local government entity, or any public transportation or charter bus transportation, whether operated by public or private company. Notably, the Act does not distinguish between employer-owned vehicles and employees' personal vehicles. The Act also expressly states that it does not "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."

The Act will be enforced by New Jersey's Commissioner of Labor and Workforce Development. Employers who fail to comply may be subject to a civil penalty of up to \$1,000 for the first violation and up to \$2,500 for each subsequent violation.

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