

[First Reprint]

ASSEMBLY, No. 1544

STATE OF NEW JERSEY
220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

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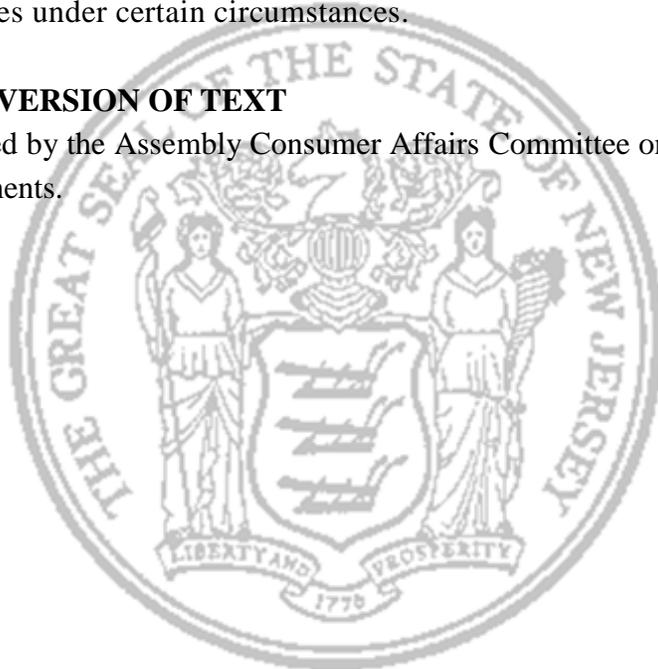
Assemblyman Webber, Assemblywoman Timberlake, Assemblyman Benson, Assemblywoman Dunn, Assemblymen Mejia, Conaway, Freiman and Assemblywoman Haider

SYNOPSIS

Prohibits providers of commercial mobile service and developers of mobile application from disclosing customer's global position system data to third parties under certain circumstances.

CURRENT VERSION OF TEXT

As reported by the Assembly Consumer Affairs Committee on June 2, 2022, with amendments.



(Sponsorship Updated As Of: 12/15/2022)

1 AN ACT concerning commercial mobile service providers and
2 global positioning system data and supplementing Title 56 of the
3 Revised Statutes.

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

7
8 1. As used in P.L. , c. (C.) (pending before the
9 Legislature as this bill):

10 "Commercial mobile service" means a type of mobile
11 telecommunications service as defined in subsection (d) of section
12 332 of the Communications Act of 1934 (47 U.S.C. s.332(d)).

13 "Commercial mobile service provider" or "provider" means an
14 individual, proprietorship, partnership, corporation, association, or
15 other legal entity that provides commercial mobile service on a
16 mobile device.

17 "Customer" means an individual within this State who provides,
18 either knowingly or unknowingly, GPS data to a commercial mobile
19 service provider ¹or a mobile device application developer¹ in the
20 course of using the provider's service ¹or the developer's
21 application¹ on a mobile device.

22 "Disclose" means to release, transfer, share, disseminate, make
23 available, sell, or otherwise communicate by any means to a third
24 party a customer's GPS data.

25 "Global positioning system data" or "GPS data" means a
26 customer's physical location information collected by a global
27 positioning system on a mobile device that is accessible to a
28 commercial mobile service provider ¹or a mobile device application
29 developer¹ .

30 "Mobile device" means wireless telecommunications device that
31 is capable of collecting a customer's GPS data.

32 ¹"Mobile device application" means an application software
33 designed to run on a mobile device, such as a smartphone or tablet
34 computer.

35 "Mobile device application developer" or "developer" means any
36 person, including corporate affiliates, that stores or processes a
37 customer's GPS data collected by a mobile device application.

38 "Person" means a natural person, corporation, association,
39 partnership, or other legal entity.¹

40 "Third party" means an individual, proprietorship, partnership,
41 corporation, association, or other legal entity that may knowingly
42 or willfully disclose a customer's GPS data.

43
44 2. a. A commercial mobile service provider that provides
45 commercial mobile service to a customer ¹or a developer of mobile

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:

¹Assembly ACO committee amendments adopted June 2, 2022.

1 device applications¹ shall not disclose the customer's global
2 positioning system data to a third party, unless the customer has
3 given consent for the third party to access the customer's GPS data.

4 ¹In order to obtain consent from a customer for a third party to
5 access the customer's GPS data, a mobile device application
6 developer shall provide the following notice in bold typeface to
7 which the customer shall affirmatively elect: "I agree to allow my
8 location data to be disclosed to a third party."¹

9 b. A third party that accesses a customer's GPS data pursuant
10 to subsection a. of this section shall not sell the GPS data in any
11 case, and shall disclose the GPS data otherwise only as necessary to
12 effectuate the purpose for which consent was given.

13 c. The provisions of subsection a. of this section shall not
14 apply to a commercial mobile service provider¹, developer of a
15 mobile device application,¹ or a third party required to disclose a
16 customer's GPS data to comply with applicable federal or State law,
17 regulation, law enforcement investigation, legal process, or court
18 order.

19

20 3. It shall be an unlawful practice and violation of P.L.1960,
21 c.39 (C.56:8-1 et seq.) for a commercial mobile service provider¹,
22 mobile device application developer,¹ or a third party to disclose a
23 customer's GPS data in violation of section 2 of P.L. ,
24 c. (C.) (pending before the Legislature as this bill).

25

26 4. The Director of the Division of Consumer Affairs in the
27 Department of Law and Public Safety shall promulgate rules and
28 regulations, pursuant to the "Administrative Procedure Act,"
29 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
30 purposes of P.L. , c. (C.) (pending before the Legislature as
31 this bill).

32

33 5. This act shall take effect immediately.