

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2419

STATE OF NEW JERSEY

DATED: JUNE 3, 2024

The Assembly Consumer Affairs Committee reports favorably Assembly Bill No. 2419.

This bill prohibits commercial mobile service providers and mobile device application developers from disclosing a customer's global positioning system (GPS) data to a third party, unless the customer has given consent for the third party to access the customer's GPS data. In order to obtain a customer's consent, the bill requires a mobile device application developer to provide notice to the customer, who would be required to affirmatively elect to allow their location data to be disclosed to a third party. However, the bill provides that these entities would not be required to obtain a customer's consent before disclosing any GPS data that is required to comply with a law or regulation, law enforcement investigation, legal process, or court order.

Under the bill, a third party that accesses a customer's GPS data would also be prohibited from selling the customer's data in any circumstances. Additionally, the bill provides that the third party may only disclose the customer's GPS data as necessary to effectuate the purpose for which the consent was given.

A commercial mobile service provider, mobile device application developer, or third party that violates the provisions of this bill would be deemed to violate the State's consumer fraud act, which may result in a penalty of not more than \$10,000 for the first offense and not more than \$20,000 for each subsequent offense.

This bill was pre-filed for introduction in the 2024-2025 session pending technical review. As reported, this bill includes the changes required by technical review, which has been performed.