

[First Reprint]

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STATE OF NEW JERSEY
217th LEGISLATURE

ADOPTED SEPTEMBER 29, 2016

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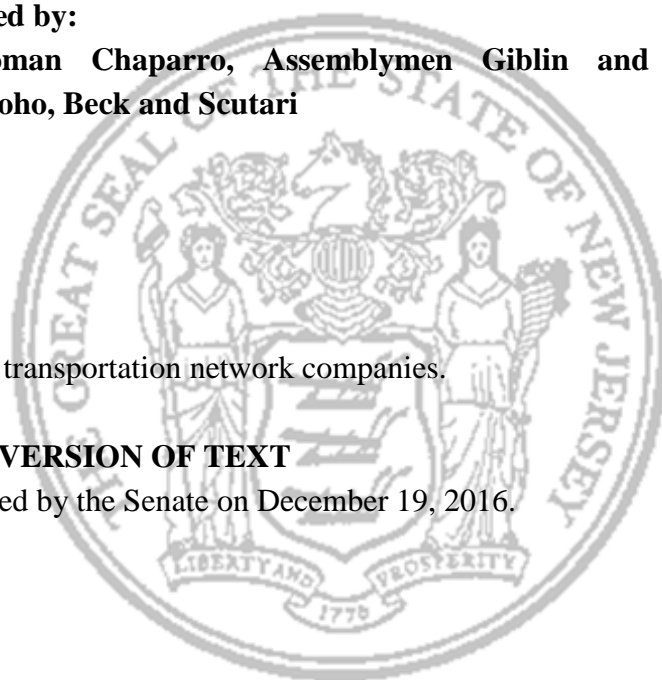
**Assemblywoman Chaparro, Assemblymen Giblin and S.Kean and
Senators Oroho, Beck and Scutari**

SYNOPSIS

Regulates transportation network companies.

CURRENT VERSION OF TEXT

As amended by the Senate on December 19, 2016.



(Sponsorship Updated As Of: 12/20/2016)

1 AN ACT concerning transportation network companies and
2 supplementing Title 39 of the Revised Statutes.

3

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

6

7 1. Sections 1 through 27 of P.L. , c. (C.) (pending
8 before the Legislature as this bill) shall be known and may be cited
9 as the “Transportation Network Company Safety and Regulatory
10 Act.”

11

12 2. As used in P.L. , c. (C.) (pending before the
13 Legislature as this bill):

14 “Applicant” means a person who applies to a transportation
15 network company to be a transportation network company driver.

16 “Chief Administrator” means the Chief Administrator of the
17 New Jersey Motor Vehicle Commission.

18 “Commission” means the New Jersey Motor Vehicle
19 Commission.

20 “Digital network” means any online-enabled technology
21 application, service, website, or system offered or utilized by a
22 transportation network company that enables the prearrangement of
23 rides between transportation network company riders and
24 transportation network company drivers.

25 “Division” means the Division of Consumer Affairs in the
26 Department of Law and Public Safety.

27 “Personal vehicle” means a motor vehicle that is used by a
28 transportation network company driver to provide prearranged rides
29 and is owned, leased, or otherwise authorized for use by the
30 transportation network company driver. A personal vehicle shall
31 not be considered an autocab or taxi as defined in R.S.48:16-1, a
32 limousine as defined in R.S.48:16-13 or section 2 of P.L.1997,
33 c.356 (C.48:16-13.1), an autobus or jitney as defined in R.S.48:16-
34 23, a motor bus as defined in section 1 of P.L.1991, c.154 (C.17:28-
35 1.5), or any other for-hire vehicle. ¹A personal vehicle shall not be
36 considered an automobile as defined in subsection a. of section 2 of
37 P.L.1972, c.70 (C.39:6A-2) while a transportation network
38 company driver is providing a prearranged ride.¹

39 “Prearranged ride” means the provision of transportation by a
40 transportation network company driver to a transportation network
41 company rider, beginning when a driver accepts a ride requested by
42 a rider through a digital network controlled by a transportation
43 network company, continuing while the driver transports a
44 requesting rider, and ending when the last requesting rider departs

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:

¹ Senate floor amendments adopted December 19, 2016.

1 from the personal vehicle. A prearranged ride shall not include
2 transportation provided using an autocab, taxi, limousine, autobus,
3 jitney, motor bus, or other for-hire vehicle. A prearranged ride
4 shall not include ridesharing, as defined in R.S.39:1-1.

5 “Transportation network company” means a corporation,
6 partnership, sole proprietorship, or other entity that is registered as
7 a business in the State or operates in this State, and uses a digital
8 network to connect a transportation network company rider to a
9 transportation network company driver to provide a prearranged
10 ride. A transportation network company shall not include an
11 individual, corporation, partnership, sole proprietorship, or other
12 entity arranging non-emergency medical transportation for
13 individuals qualifying for Medicaid under P.L.1968,
14 c.413 (C.30:4D-1 et seq.) or Medicare under Pub.L.89-97 (42
15 U.S.C. s.1395 et seq.) pursuant to a contract with the State or a
16 managed care organization, whereby Medicaid or Medicare funding
17 is used to pay for the non-emergency medical transportation
18 services.

19 “Transportation network company driver” or “driver” means a
20 person who receives connections to potential riders and related
21 services from a transportation network company in exchange for
22 payment of a fee to the transportation network company, and uses a
23 personal vehicle to offer or provide a prearranged ride to a rider
24 upon connection through a digital network controlled by a
25 transportation network company in return for compensation or
26 payment of a fee.

27 “Transportation network company rider” or “rider” means a
28 person who uses a transportation network company’s digital
29 network to connect with a transportation network company driver to
30 receive a prearranged ride from the driver using the driver’s
31 personal vehicle.

32

33 3. A transportation network company or a transportation
34 network company driver shall not provide a taxi, limousine, or other
35 for-hire vehicle service, or freight service except as authorized
36 pursuant to applicable law. A transportation network company
37 driver shall not be required to register the driver’s personal vehicle
38 used to provide prearranged rides as a commercial or for-hire
39 vehicle.

40

41 4. a. The commission shall issue a transportation network
42 company a permit to allow for the lawful operation of a
43 transportation network company in this State upon receipt of the
44 following information:

45 (1) proof of insurance as required pursuant to section 10 of
46 P.L. , c. (C.) (pending before the Legislature as this bill);

47 (2) proof that the transportation network company is registered
48 as a business in this State;

1 (3) a written description of the transportation network
2 company's zero tolerance policy, as required by section 14 of
3 P.L. , c. (C.) (pending before the Legislature as this bill);
4 (4) a written description of the transportation network
5 company's policy of non-discrimination, as required by section 15
6 of P.L. , c. (C.) (pending before the Legislature as this
7 bill); and
8 (5) a written description of how the transportation network
9 company will comply with the criminal background check
10 requirements pursuant to section 17 of P.L. ,
11 c. (C.) (pending before the Legislature as this bill).
12 b. A transportation network company shall pay an initial and
13 annual permit fee of \$25,000.
14 c. The commission may revoke the permit, after notice and a
15 hearing, if the transportation network company fails to comply with
16 the provisions of P.L. , c. (C.) (pending before the
17 Legislature as this bill).
18 d. A transportation network company shall not operate in this
19 State prior to obtaining a permit from the commission; except that,
20 any transportation network company registered as a business in the
21 State or operating in the State prior to the effective date of P.L. ,
22 c. (C.) (pending before the Legislature as this bill) may
23 continue to operate in this State until the commission issues a
24 written decision regarding the transportation network company's
25 permit application, provided that the transportation network
26 company has conducted a driving record check of each driver that
27 logs on to the transportation network company's digital network as
28 a driver and provides to the commission proof of insurance required
29 pursuant to section 10 of P.L. , c. (C.) (pending before the
30 Legislature as this bill).
31 e. A transportation network company registered as a business
32 in the State or operating in the State prior to the effective date of
33 P.L. , c. (C.) (pending before the Legislature as this bill)
34 shall apply to the commission for a permit pursuant to this section
35 on or before the 30th day after the commission begins accepting
36 permit applications.
37 f. A transportation network company that operates without a
38 permit in violation of this section shall be subject to a penalty of
39 \$500. Actions to impose a penalty under this subsection shall be
40 brought, and the penalty shall be collected, in a summary
41 proceeding pursuant to the "Penalty Enforcement Law of 1999,"
42 P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall
43 have jurisdiction to hear any action brought ¹**[for violation of]**
44 pursuant to¹ this subsection. All penalties collected pursuant to this
45 subsection shall be forwarded as provided in R.S.39:5-40 and
46 subsection b. of R.S.39:5-41. If the violation is of a continuing
47 nature, each day during which it continues shall constitute an
48 additional, separate, and distinct offense.

1 5. a. A transportation network company operating in the State
2 shall appoint and maintain an agent for service of process in this
3 State.

4 b. The transportation network company shall submit to the
5 commission within 10 days of receiving a permit, the name,
6 address, telephone number, or other contact information of the
7 agent. The transportation network company shall notify the
8 commission of any change of the agent, or address, telephone
9 number, or other contact information for the agent, within 10 days
10 of the effective date of the change.

11
12 6. a. A transportation network company and the Department of
13 Transportation shall enter into a memorandum of understanding
14 concerning the transportation network company's submission of
15 data collected from all prearranged rides provided wholly within the
16 boundaries of the State and provided through the company's digital
17 network.

18 b. Any data submitted to the Department of Transportation
19 pursuant to a memorandum of understanding under this section
20 shall be deemed confidential, shall not be disclosed to a third party
21 except with the prior written consent of the transportation network
22 company, and shall not be considered a government record pursuant
23 to P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5
24 et al.), or the common law concerning access to government
25 records. Nothing in this section shall be construed as limiting the
26 applicability of any other exemptions under P.L.1963,
27 c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

28
29 7. A transportation network company may, on behalf of a
30 transportation network company driver, collect a fare for a
31 prearranged ride provided to a transportation network company
32 rider; provided that, if a fare is collected from a rider, the
33 transportation network company shall disclose to the rider on its
34 website or digital network the fare or method by which the
35 transportation network company calculates fares. The
36 transportation network company shall provide riders with the
37 applicable rates being charged by a transportation network company
38 driver and the option to receive an estimated fare prior to the rider
39 entering the driver's personal vehicle.

40
41 8. A transportation network company shall provide to a
42 transportation network company rider on its website or digital
43 network a picture of the transportation network company driver that
44 is to provide the prearranged ride and the license plate number of
45 the driver's personal vehicle that is to be used to provide the
46 prearranged ride prior to the rider entering the driver's personal
47 vehicle.

- 1 9. Within 48 hours following completion of a prearranged ride,
2 a transportation network company shall provide a transportation
3 network company rider with an electronic receipt which shall
4 include:
- 5 a. the points of origin and destination of the prearranged ride;
 - 6 b. the total time and distance of the prearranged ride; and
 - 7 c. an itemization of the total fare paid, if any.
- 8
- 9 10. a. On or before the effective date of P.L. , ,
10 c. (C.) (pending before the Legislature as this bill), a
11 transportation network company driver, transportation network
12 company, or any combination of the two shall maintain primary
13 automobile insurance that recognizes that the driver is a
14 transportation network company driver, or otherwise uses a
15 personal vehicle to provide prearranged rides, and covers the driver:
16 (1) while the driver is logged on to the transportation network
17 company's digital network but is not providing a prearranged ride;
18 or (2) while the driver is providing a prearranged ride.
- 19 b. Whenever a transportation network company driver is
20 logged on to the transportation network company's digital network
21 and is available to receive a prearranged ride request, but is not
22 providing a prearranged ride, the transportation network company
23 driver, transportation network company, or any combination of the
24 two shall maintain the following insurance coverage:
 - 25 (1) primary automobile liability insurance in the amount of at
26 least \$50,000 for death or bodily injury per person, \$100,000 for
27 death or bodily injury per incident, and \$25,000 for property
28 damage;
 - 29 (2) primary personal injury protection benefits that provide
30 coverage amounts selected pursuant to section 4 of P.L.1972,
31 c.70 (C.39:6A-4); and
 - 32 (3) uninsured and underinsured motorist coverage to the extent
33 required pursuant to section 2 of P.L.1968, c.385 (C.17:28-1.1).
 - 34 c. Whenever a transportation network company driver is
35 providing a prearranged ride, the transportation network company
36 driver, transportation network company, or any combination of the
37 two shall maintain the following insurance coverage:
 - 38 (1) primary automobile liability insurance in the amount of at
39 least \$1,500,000 for death, bodily injury, and property damage;
 - 40 (2) primary automobile insurance for medical payments benefits
41 in an amount of at least \$10,000 per person per incident, which
42 shall only apply to and provide coverage for the benefit of the
43 transportation network company driver; and
 - 44 (3) uninsured and underinsured motorist coverage ¹【to the
45 extent required pursuant to section 2 of P.L.1968, c.385 (C.17:28-
46 1.1)】 in an amount of at least \$1,500,000¹.
 - 47 d. If the insurance coverage maintained by a transportation
48 network company driver pursuant to subsections b. and c. of this
49 section has lapsed or does not provide the required coverage,

1 insurance maintained by the transportation network company shall
2 provide the coverage required by subsections b. and c. of this
3 section beginning with the first dollar of a claim and the
4 transportation network company shall have the duty to defend the
5 claim.

6 e. Coverage under an automobile insurance policy maintained
7 by the transportation network company shall not be dependent upon
8 a private passenger automobile insurer first denying a claim nor
9 shall a private passenger automobile insurance policy be required to
10 first deny a claim.

11 f. Insurance coverage required by this section may be obtained
12 from an insurance company duly licensed to transact business under
13 the insurance laws of this State or by an eligible surplus lines
14 insurer under section 11 of P.L.1960, c.32 (C.17:22-6.45).

15 g. The coverage required pursuant to subsections b. and c. of
16 this section shall be deemed to meet the financial responsibility
17 requirements of the "Motor Vehicle Security-Responsibility Law,"
18 P.L.1952, c.173 (C.39:6-23 et seq.), P.L.1972, c.197 (C.39:6B-1 et
19 seq.), and P.L.1972, c.70 (C.39:6A-1 et seq.).

20 h. A transportation network company driver shall carry proof
21 of insurance required pursuant to subsections b. and c. of this
22 section at all times while using a personal vehicle in connection
23 with a transportation network company's digital network. In the
24 event of an accident, a transportation network company driver shall,
25 upon request, provide insurance coverage information to the
26 directly interested parties, automobile insurers, and investigating
27 law enforcement officers. The insurance coverage information may
28 be displayed or provided in either paper or electronic form as
29 provided in R.S.39:3-29. A transportation network company driver
30 shall, upon request, disclose to the directly interested parties,
31 automobile insurers, and investigating law enforcement officers
32 whether the driver was logged on to a digital network as a driver or
33 whether the driver was providing a prearranged ride at the time of
34 the accident.

35 i. If a transportation network company's insurer makes a
36 payment for a claim for damage to a motor vehicle in which a
37 lienholder holds a security interest, then the transportation network
38 company shall cause its insurer to issue the payment directly to the
39 business repairing the motor vehicle or jointly to the owner of the
40 motor vehicle and the primary lienholder on the covered motor
41 vehicle.

42 ¹j. The limitation on lawsuit option set forth in subsection a. of
43 section 8 of P.L.1972, c.70 (C.39:6A-8) shall not be assertable by a
44 transportation network company or a transportation network
45 company driver in any action for damages arising from a
46 prearranged ride, or be asserted against any party not receiving
47 personal injury protection benefits in any action for damages arising
48 from a prearranged ride.¹

1 11. A transportation network company shall not permit a
2 transportation network company driver to accept a request for a
3 prearranged ride on the transportation network company's digital
4 network until the transportation network company discloses in
5 writing to the driver:

6 a. the insurance coverage, including the types and limits of
7 coverage, that the transportation network company provides while
8 the driver uses a personal vehicle in connection with a
9 transportation network company's digital network; and

10 b. that the driver's own private passenger automobile insurance
11 policy, depending on the driver's private passenger automobile
12 insurance policy, may or may not provide any coverage while the
13 driver is logged on to the transportation network company's digital
14 network as a driver and is available to receive requests for
15 prearranged rides or is providing a prearranged ride.

16

17 12. a. Notwithstanding the "Motor Vehicle Security-
18 Responsibility Law," P.L.1952, c.173 (C.39:6-23 et seq.) and
19 P.L.1972, c.197 (C.39:6B-1 et seq.), an insurance company duly
20 licensed to transact business under the insurance laws of this State
21 may exclude any and all coverage afforded under a private
22 passenger automobile insurance policy issued to an owner or
23 operator of a personal vehicle for any loss or injury that occurs
24 while the personal vehicle is being used by a transportation network
25 company driver and the driver is logged on to a transportation
26 network company's digital network or is providing a prearranged
27 ride. This right to exclude all coverage may apply to any coverage
28 included in a private passenger automobile insurance policy
29 including, but not limited to:

- 30 (1) liability coverage for bodily injury and property damage;
31 (2) personal injury protection coverage;
32 (3) uninsured and underinsured motorist coverage;
33 (4) medical payments coverage;
34 (5) comprehensive physical damage coverage; and
35 (6) collision physical damage coverage.

36 Nothing in this section shall imply or require that a private
37 passenger automobile insurance policy provide coverage while the
38 driver is logged on to a transportation network company's digital
39 network, is providing a prearranged ride, or is otherwise using a
40 vehicle to transport riders for compensation.

41 Nothing in this section shall be construed to require an insurer to
42 use any particular policy language or reference to this section in
43 order to exclude any and all coverage for any loss or injury that
44 occurs while a driver is logged on to a transportation network
45 company's digital network or while a driver is providing a
46 prearranged ride.

47 Nothing in this section shall be deemed to preclude an insurer
48 from providing primary or excess coverage by contract or
49 endorsement for the transportation network company driver's

1 personal vehicle while the transportation network company driver is
2 logged on to a digital network or while the driver is providing a
3 prearranged ride.

4 b. An insurance company duly licensed to transact business
5 under the insurance laws of this State that excludes coverage
6 pursuant to subsection a. of this section shall have no duty to defend
7 or indemnify any claim expressly excluded thereunder. Nothing in
8 this section shall be deemed to invalidate or limit an exclusion
9 contained in a policy, including any policy in use or approved for
10 use in the State prior to enactment of P.L. ,

11 c. (C.) (pending before the Legislature as this bill), that
12 excludes coverage for vehicles used to carry persons or property for
13 a charge or available for hire by the public. An automobile
14 insurance company that defends or indemnifies a claim against a
15 driver that is excluded under the terms of its policy shall have a
16 right of contribution against other insurers that provide automobile
17 liability insurance to the same driver in satisfaction of the coverage
18 required pursuant to subsections b. and c. of section 10 of P.L. ,
19 c. (C.) (pending before the Legislature as this bill) at the
20 time of loss.

21 c. In a claims coverage investigation, transportation network
22 companies shall immediately provide upon request by directly
23 involved parties or any insurer of the transportation network
24 company driver, if applicable, the precise times that a transportation
25 network company driver logged on and off of the transportation
26 network company's digital network in the 12-hour periods
27 immediately preceding and immediately following the accident.
28 Any insurer providing coverage under subsections b. and c. of
29 section 10 of P.L. , c. (C.) (pending before the Legislature
30 as this bill) shall disclose, upon request by any other insurer
31 involved in the particular claim, the applicable coverage,
32 exclusions, and limits provided under any automobile insurance
33 maintained under section 10 of P.L. , c. (C.) (pending
34 before the Legislature as this bill).

35
36 13. a. A transportation network company shall maintain a
37 system that permits:

38 (1) a transportation network company driver to opt out of any
39 communication with the transportation network company at the
40 driver's discretion;

41 (2) a driver to establish, at the sole discretion of the driver, an
42 independent business while engaging with the transportation
43 network company's digital network; and

44 (3) a driver, at the sole discretion of the driver, to operate in any
45 municipality in the State without providing prior notice to the
46 transportation network company.

47 b. A transportation network company shall not restrict a
48 driver's ability to utilize another transportation network company's
49 digital network.

1 14. a. A transportation network company shall implement a
2 zero tolerance policy on the use of controlled dangerous substances
3 and alcohol that may impair a transportation network company
4 driver while the driver is providing a prearranged ride or while the
5 driver is logged on to the transportation network company's digital
6 network as a driver but is not providing a prearranged ride.

7 b. The transportation network company shall provide on its
8 website, digital network, or electronic receipt, notice of the zero
9 tolerance policy and procedures for a transportation network
10 company rider to report a complaint about a driver of a prearranged
11 ride suspected of driving under the influence of a controlled
12 dangerous substance or alcohol.

13 c. Upon receiving a complaint from a rider alleging that a
14 driver violated the zero tolerance policy, the transportation network
15 company shall conduct an investigation into the reported incident
16 and, if the results of the investigation corroborate the rider's
17 complaint, revoke the driver's access to the transportation network
18 company's digital network within 72 hours from the time when
19 results of the investigation corroborate the rider's complaint.

20 d. The transportation network company shall maintain records
21 relevant to the enforcement of the zero tolerance policy required
22 under this section for a period of at least two years from the date
23 that the transportation network company receives a rider's
24 complaint.

25
26 15. a. The transportation network company shall adopt a policy
27 of non-discrimination on the basis of destination, race, color,
28 national origin, religious belief or affiliation, sex, disability, age,
29 sexual orientation, or gender identity with respect to transportation
30 network company riders and potential riders. The transportation
31 network company shall notify a transportation network company
32 driver of the non-discrimination policy.

33 b. A transportation network company shall make its non-
34 discrimination policy available on its website or digital network.

35 c. A transportation network company driver shall comply with
36 all applicable laws regarding non-discrimination against riders or
37 potential riders on the basis of destination, race, color, national
38 origin, religious belief or affiliation, sex, disability, age, sexual
39 orientation, or gender identity and shall comply with all applicable
40 laws relating to accommodation of service animals.

41 d. A transportation network company shall provide a
42 transportation network company driver with information on
43 accessibility compliance for persons with disabilities, including
44 information about accommodating a rider with a disability.

45 e. A transportation network company shall not impose any
46 additional fee for accommodation of a person with a physical
47 disability because of the person's disability.

48 f. If a transportation network company does not provide access
49 to wheelchair accessible personal vehicles, the transportation

1 network company shall provide on its website or digital network the
2 contact information of providers of wheelchair accessible vehicle
3 transportation services available in New Jersey, if those services are
4 available in the State.

5
6 16. A transportation network company shall require an
7 applicant, as defined in section 2 of P.L. , c. (C.) (pending
8 before the Legislature as this bill), to submit a transportation
9 network company driver application to the transportation network
10 company. The application shall include the applicant's address,
11 age, and social security number, a copy of the applicant's driver's
12 license, motor vehicle registration, and automobile liability
13 insurance, and any other information required by the transportation
14 network company.

15
16 17. a. (1) A transportation network company registered as a
17 business in the State or operating in the State prior to the effective
18 date of P.L. , c. (C.) (pending before the Legislature as this
19 bill) shall have six months from the effective date of P.L. ,
20 c. (C.) (pending before the Legislature as this bill) to have
21 the Attorney General approve the method that a transportation
22 network company, or third party designated by the transportation
23 network company, proposes to use to conduct a criminal
24 background check for an applicant or driver.

25 If the Attorney General does not approve the method that a
26 transportation network company registered as a business in the State
27 or operating in the State prior to the effective date of P.L. ,
28 c. (C.) (pending before the Legislature as this bill), or third
29 party designated by the transportation network company, proposes
30 to use to conduct a criminal background check within six months of
31 the effective date of P.L. , c. (C.) (pending before the
32 Legislature as this bill), the transportation network company shall
33 not permit an applicant to log on to its digital network as a driver or
34 provide a prearranged ride as a driver until the applicant submits to
35 a criminal history record background check pursuant to subsection
36 e. of this section and the Division of State Police provides the
37 transportation network company with information concerning the
38 applicant's eligibility to be a driver pursuant to paragraph (3) of
39 subsection e. of this section.

40 (2) A transportation network company that is not registered as a
41 business in the State or operating in the State prior to the effective
42 date of P.L. , c. (C.) (pending before the Legislature as this
43 bill) shall not operate in the State prior to:

44 (a) the Attorney General approving, within six months of
45 submission, the method that the transportation network company, or
46 third party designated by the transportation network company,
47 proposes to use to conduct a criminal background check; or

1 (b) the transportation network company's applicants submitting
2 to a criminal history record background check pursuant to
3 subsection e. of this section.

4 b. The Attorney General shall not approve a criminal
5 background check conducted by a transportation network company,
6 or a third party designated by the transportation network company,
7 pursuant to subsection a. of this section unless the check includes a
8 search of:

9 (1) a multi-state and multi-jurisdictional criminal records locator
10 or other similar commercial nationwide database with validation;
11 and

12 (2) the United States Department of Justice's Dru Sjodin
13 National Sex Offender Public Website.

14 c. If the Attorney General approves the method that a
15 transportation network company, or a third party designated by the
16 transportation network company, proposes to use to conduct a
17 criminal background check, the transportation network company, or
18 a third party designated by the transportation network company,
19 shall conduct a criminal background check approved by the
20 Attorney General prior to allowing an applicant to log on to the
21 transportation network company's digital network as a
22 transportation network company driver or to provide a prearranged
23 ride as a transportation network company driver.

24 d. If the Attorney General approves the method that a
25 transportation network company registered as a business in the State
26 or operating in the State prior to the effective date of P.L. ,
27 c. (C.) (pending before the Legislature as this bill), or a third
28 party designated by the transportation network company, proposes
29 to use to conduct a criminal background check, the transportation
30 network company shall have 30 days from the effective date of
31 P.L. , c. (C.) (pending before the Legislature as this bill) to
32 conduct, or have a third party designated by the transportation
33 network company conduct, a criminal background check for a
34 driver utilizing the transportation network company's digital
35 network as a driver prior to the effective date of
36 P.L. , c. (C.) (pending before the Legislature as this bill)
37 using the method approved by the Attorney General, unless the
38 transportation network company, or a third party designated by the
39 transportation network company, conducted a criminal background
40 check for the driver prior to the effective date of
41 P.L. , c. (C.) (pending before the Legislature as this bill)
42 using the method approved by the Attorney General.

43 e. (1) If the Attorney General does not approve the method
44 that a transportation network company, or a third party designated
45 by the transportation network company, proposes to use to conduct
46 a criminal background check, an applicant shall provide to the
47 Division of State Police the applicant's name, address, fingerprints,
48 and written consent for a criminal history record background check
49 to be performed by the Division of State Police, in accordance with

1 regulations adopted under chapter 59 of Title 13 of the New Jersey
2 Administrative Code, prior to logging on to a transportation
3 network company's digital network as a driver or providing a
4 prearranged ride as a transportation network company driver. The
5 Division of State Police may exchange fingerprint data with, and
6 receive criminal history record information from, the Federal
7 Bureau of Investigation for the use in determining an applicant's
8 eligibility to be a transportation network company driver pursuant
9 to subsection a. of section 20 of P.L. , c. (C.) (pending
10 before the Legislature as this bill) based upon results of the
11 applicant's criminal history record background check.

12 (2) If the Attorney General does not approve the method that a
13 transportation network company registered as a business in the State
14 or operating in the State prior to the effective date of P.L. ,
15 c. (C.) (pending before the Legislature as this bill), or a third
16 party designated by the transportation network company, proposes
17 to use to conduct a criminal background check, a transportation
18 network company shall require a driver utilizing the transportation
19 network company's digital network as a driver prior to the effective
20 date of P.L. , c. (C.) (pending before the Legislature as this
21 bill) to provide to the Division of State Police the driver's name,
22 address, fingerprints, and written consent for a criminal history
23 record background check to be performed by the Division of State
24 Police, in accordance with regulations adopted under chapter 59 of
25 Title 13 of the New Jersey Administrative Code. The Division of
26 State Police may exchange fingerprint data with, and receive
27 criminal history record information from, the Federal Bureau of
28 Investigation for the use in determining a driver's eligibility to be a
29 transportation network company driver pursuant to subsection a. of
30 section 20 of P.L. , c. (C.) (pending before the Legislature
31 as this bill) based upon results of the driver's criminal history
32 record background check.

33 (3) The Superintendent of State Police shall inform the
34 transportation network company that an applicant or driver is
35 ineligible to be a transportation network company driver pursuant to
36 subsection a. of section 20 of P.L. , c. (C.) (pending before
37 the Legislature as this bill).

38 (4) The cost of the criminal history record background check
39 conducted pursuant to this subsection, including all costs of
40 administering and processing the criminal history record
41 background check, shall be borne by the applicant or driver, as
42 applicable.

43
44 18. a. Prior to allowing an applicant to log on to a
45 transportation network company's digital network as a
46 transportation network company driver or to provide a prearranged
47 ride as a transportation network company driver, the transportation
48 network company, or a third party designated by the transportation
49 network company, shall conduct a driving record check, which shall

1 include information concerning the applicant's driving violations
2 and driver's status.

3 b. A transportation network company shall have 30 days from
4 the effective date of P.L. , c. (C.) (pending before the
5 Legislature as this bill) to conduct, or have a third party designated
6 by the company conduct, a driving record check of a driver utilizing
7 the transportation network company's digital network as a driver
8 prior to the effective date of P.L. , c. (C.) (pending before
9 the Legislature as this bill), unless the transportation network
10 company, or a third party designated by the transportation network
11 company, conducted a driving record check for the driver prior to
12 the effective date of P.L. , c. (C.) (pending before the
13 Legislature as this bill).

14
15 19. a. Prior to allowing an applicant to log on to a
16 transportation network company's digital network as a
17 transportation network company driver or to provide a prearranged
18 ride as a transportation network company driver, the transportation
19 network company, or a third party designated by the transportation
20 network company, shall conduct a social security number trace that
21 identifies the addresses of the applicant for at least seven years prior
22 to the date the application is received by the transportation network
23 company. An applicant shall provide at least three of the following
24 documents, in paper or electronic form, to the transportation
25 network company for purposes of conducting a social security
26 number trace:

- 27 (1) the applicant's driver's license;
- 28 (2) the applicant's motor vehicle registration;
- 29 (3) the applicant's automobile liability insurance policy;
- 30 (4) a utility or credit card statement containing the applicant's
31 name and address issued within the past 90 days;
- 32 (5) a high school or college transcript containing the applicant's
33 name and address issued within the past two years;
- 34 (6) a current lease or rental agreement containing the applicant's
35 name as the lessee or renter; or a property tax bill containing the
36 applicant's name as the property owner or co-owner issued within
37 the past year;
- 38 (7) a letter or correspondence addressed to the applicant and
39 received from the Internal Revenue Service or the Division of
40 Taxation in the New Jersey Department of the Treasury within the
41 past year;
- 42 (8) first-class mail addressed to the applicant and received from
43 a federal, state, or local government agency within the past six
44 months;
- 45 (9) a valid active duty United States military photo
46 identification card;
- 47 (10) a valid United States passport; or
- 48 (11) a valid United States permanent resident card.

1 b. A transportation network company shall have 30 days from
2 the effective date of P.L. , c. (C.) (pending before the
3 Legislature as this bill) to conduct, or have a third party designated
4 by the transportation network company conduct, a social security
5 number trace pursuant to subsection a. of this section for a driver
6 utilizing the transportation network company's digital network as a
7 driver prior to the effective date of P.L. , c. (C.) (pending
8 before the Legislature as this bill), unless the transportation network
9 company, or third party designated by the transportation network
10 company, conducted a social security number trace meeting the
11 requirements of subsection a. of this section for the driver prior to
12 the effective date of P.L. , c. (C.) (pending before the
13 Legislature as this bill).

14

15 20. An applicant or driver shall be prohibited from utilizing the
16 transportation network company's digital network as a
17 transportation network company driver or from providing a
18 prearranged ride as a transportation network company driver if:

19 a. The applicant or driver has been convicted of one or more of
20 the following crimes:

21 (1) In New Jersey, any crime as follows: aggravated assault,
22 arson, burglary, escape, extortion, homicide, kidnapping, robbery,
23 aggravated sexual assault, sexual assault, or endangering the
24 welfare of a child pursuant to N.J.S.2C:24-4, whether or not armed
25 with or having possession of any weapon enumerated in subsection
26 r. of N.J.S.2C:39-1, a crime pursuant to the provisions of
27 N.J.S.2C:39-3, N.J.S.2C:39-4, or N.J.S.2C:39-9, or other than a
28 disorderly persons or petty disorderly persons offense for the
29 unlawful use, possession or sale of a controlled dangerous
30 substance as defined in N.J.S.2C:35-2.

31 (2) In any other state, territory, commonwealth, or other
32 jurisdiction of the United States, as a result of a conviction in a
33 court of competent jurisdiction, a crime which in that other
34 jurisdiction is comparable to one of the crimes enumerated in
35 paragraph (1) of this subsection.

36 If an applicant or driver who has been convicted of one of the
37 crimes enumerated in paragraph (1) or (2) of this subsection
38 produces a valid certificate of rehabilitation issued pursuant to
39 section 2 of P.L.2007, c.327 (C.2A:168A-8) or, if the criminal
40 offense occurred outside the State, an equivalent certificate from the
41 jurisdiction where the criminal offense occurred, the criminal
42 offense shall not disqualify the applicant or driver from accessing
43 the transportation network company's digital network as a
44 transportation network company driver or from providing
45 prearranged rides as a transportation network company driver. A
46 transportation network company, or a third party designated by the
47 transportation network company, shall take reasonable measures to
48 confirm the validity of the certificate, such as contacting the
49 relevant court or government agency¹[.]:¹

1 b. The applicant's or driver's driving record check reveals
2 more than three moving violations in the prior three-year period, or
3 one of the following violations in the prior three-year period:

4 (1) driving under the influence pursuant to R.S.39:4-50;

5 (2) resisting arrest; eluding an officer pursuant to N.J.S.2C:29-2;

6 (3) reckless driving pursuant to R.S.39:4-96;

7 (4) driving with a suspended or revoked license pursuant to
8 R.S.39:3-40; or

9 (5) a violation committed in any other state, territory,
10 commonwealth, or other jurisdiction of the United States that is
11 comparable to one of the violations enumerated in paragraph (1),
12 (2), (3), or (4) of this subsection¹**[.]:¹**

13 c. The applicant or driver is a match in the United States
14 Department of Justice's Dru Sjodin National Sex Offender Public
15 Website;

16 d. The applicant or driver is not a holder of a valid basic
17 driver's license;

18 e. The applicant or driver does not possess proof of valid
19 vehicle registration for the driver's personal vehicle to be used to
20 provide prearranged rides;

21 f. The applicant or driver does not possess proof of valid
22 automobile liability insurance for the personal vehicle; or

23 g. The applicant or driver is under 21 years of age.
24

25 21. A transportation network company shall take steps to
26 prohibit unauthorized drivers from logging on to the transportation
27 network company's digital network as a transportation network
28 company driver, including:

29 a. assigning a unique network access key, which shall include a
30 username and password, for each authorized transportation network
31 company driver to enable the driver to log on to the transportation
32 network company's digital network;

33 b. requiring each driver to keep the network access key
34 confidential and prohibiting the driver from sharing this information
35 with a third party; and

36 c. establishing procedures for responding to complaints from a
37 transportation network company rider claiming the picture provided
38 of the driver on the transportation network company's website or
39 digital network does not match the driver of the prearranged ride.
40

41 22. A transportation network company shall require an
42 applicant's personal vehicle to be used to provide a prearranged ride
43 to meet the motor vehicle inspection requirements pursuant to
44 R.S.39:8-1 prior to permitting the applicant to log on to its digital
45 network as a transportation network company driver or to provide a
46 prearranged ride as a transportation network company driver. A
47 transportation network company shall require a transportation
48 network company driver to maintain a valid inspection certificate of

1 approval for the driver's personal vehicle used to provide
2 prearranged rides.

3
4 23. a. Each transportation network company driver shall
5 maintain electronic information while using the transportation
6 network company's digital network that will allow any law
7 enforcement officer, or other city, State, or federal official, to
8 confirm the following information for any transportation network
9 company driver: (1) the driver's identity and a color photo; (2) the
10 make and model of the driver's personal vehicle; (3) the license
11 plate number of the driver's personal vehicle; and (4) an electronic
12 record of a prearranged ride underway, if any. Each transportation
13 network company driver shall be able to produce this information,
14 upon the lawful request of any law enforcement officer or other
15 city, State, or federal official.

16 b. A transportation network company shall create an
17 identifying marker which shall be submitted to the commission for
18 recording, issued to every transportation network company driver,
19 and displayed on the driver's personal vehicle when the driver logs
20 on to the transportation network company's digital network as a
21 driver or provides a prearranged ride.

22
23 24. A transportation network company driver shall not solicit or
24 accept any ride that is not prearranged through a transportation
25 network company's digital network.

26
27 25. a. Notwithstanding any other provision of law, a
28 transportation network company shall maintain the following
29 records: (1) individual prearranged ride records for at least six years
30 following the date of the prearranged ride; and (2) individual
31 records of each transportation network company driver, including,
32 but not limited to, any records provided to the transportation
33 network company pursuant to sections 16 through 19 of P.L. ,
34 c. (C.) (pending before the Legislature as this bill), for at
35 least five years after the driver terminates status as a transportation
36 network company driver.

37 b. The New Jersey Motor Vehicle Commission or the Division
38 of Consumer Affairs in the Department of Law and Public Safety
39 may inspect records held by the transportation network company
40 necessary to investigate and resolve a specific complaint filed
41 against a transportation network company driver if the commission
42 or division provides a written request for the records and a basis for
43 the request. A record provided to the commission or division
44 pursuant to this section may exclude information that tends to
45 identify specific drivers or transportation network company riders,
46 unless the identity of the driver or rider is relevant to the complaint.

47 c. The commission or division may require transportation
48 network company records maintained in-State or out-of-State to be
49 available to the commission or division within 14 business days of

1 the commission's or division's request to inspect records to
2 investigate and resolve a complaint pursuant to subsection b. of this
3 section. The transportation network company may request an
4 extension if the 14 business day deadline imposes an undue burden
5 upon the transportation network company.

6 In the event of exigent circumstances, the commission or
7 division may require a transportation network company to make its
8 records available before 14 business days from the time of the
9 commission's or division's request if receipt of the records before
10 14 business days is reasonably necessary under the circumstances
11 for the investigation or resolution of a complaint pursuant to
12 subsection b. of this section.

13 d. For the purpose of verifying that a transportation network
14 company is in compliance with the requirements of
15 P.L. c. (C.) (pending before the Legislature as this bill) or
16 to assure the integrity and performance of a transportation network
17 company or a transportation network company driver, the
18 commission, division, or an authorized representative may inspect
19 transportation network company records including all books,
20 records, documents, papers, reports, or data relating to the operation
21 of a transportation network company, in whatever form kept,
22 including, but not limited to, records required to be maintained by a
23 transportation network company pursuant subsection a. of this
24 section. The inspection shall take place at a mutually agreed upon
25 location in the State. Any record provided to the commission,
26 division, or authorized representative may exclude information that
27 tends to identify specific drivers or riders.

28 e. Any records inspected by the commission, division, or
29 authorized representative under this section, shall be deemed
30 confidential, shall not be disclosed to a third party except with the
31 prior written consent of the transportation network company, and
32 shall not be considered a government record pursuant to P.L.1963,
33 c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the
34 common law concerning access to government records. Nothing in
35 this section shall be construed as limiting the applicability of any
36 other exemptions under P.L.1963, c.73 (C.47:1A-1 et seq.) or
37 P.L.2001, c.404 (C.47:1A-5 et al.).

38 f. A transportation network company's failure to comply with
39 the provisions of this section or permit the commission or division
40 on the transportation network company's premises during regular
41 business hours to conduct investigations or reviews shall be cause
42 for suspension or revocation of the permit issued by the commission
43 to operate as a transportation network company pursuant to section
44 4 of P.L. , c. (C.) (pending before the Legislature as this
45 bill), or any other fine, penalty, or enforcement action as
46 determined by the commission or division. The commission's or
47 division's investigation or review of the transportation network
48 company may include, but shall not be limited to, discussions with
49 customers and transportation network company drivers,

1 examination of motor vehicle records, questioning of employees,
2 and the use of other investigatory techniques as may be necessary
3 for the enforcement of this section and regulations adopted by the
4 commission or division.

5 g. The commission and division shall enter into a memorandum
6 of understanding to effectuate the authority granted to the
7 commission and division pursuant to this section.

8
9 26. Notwithstanding any other provision of law, a transportation
10 network company and a transportation network company driver
11 shall be governed exclusively by P.L. , c. (C.) (pending
12 before the Legislature as this bill), any supplements or amendments
13 thereto, and any rules promulgated by the commission or division
14 pursuant to P.L. , c. (C.) (pending before the Legislature as
15 this bill).

16 A county or municipality shall not require a transportation
17 network company or transportation network company driver to
18 obtain a license or permit to provide a prearranged ride in that
19 county or municipality, or require a driver to obtain a license or
20 permit for the driver's personal vehicle in order to provide a
21 prearranged ride in that county or municipality.

22 A county or municipality shall not impose a tax or fee that only
23 applies to a transportation network company or transportation
24 network company driver; provided that a transportation network
25 company or driver shall be subject to a tax or fee that applies
26 generally to all businesses or residents of the county or
27 municipality.

28 Except for the initial and annual permit fee imposed pursuant to
29 subsection b. of section 4 of P.L. , c. (C.) (pending before
30 the Legislature as this bill), the State shall not impose a tax or fee
31 that only applies to a transportation network company or
32 transportation network company driver; provided that, a
33 transportation network company or driver shall be subject to a tax
34 or fee that applies generally to all businesses or residents of the
35 State.

36 Nothing in this section shall be construed to alter, supersede, or
37 prohibit a financial access agreement between a transportation
38 network company and a city of the first class with an international
39 airport terminal, provided the transportation network company
40 complies with all other provisions of P.L. , c. (C.) (pending
41 before the Legislature as this bill).

42
43 27. The Chief Administrator of the New Jersey Motor Vehicle
44 Commission and the Director of the Division of Consumer Affairs
45 in the Department of Law and Public Safety are authorized to adopt,
46 pursuant to the "Administrative Procedure Act," P.L.1968,
47 c.410 (C.52:14B-1 et seq.), rules and regulations to implement the
48 provisions of P.L. , c. (C.) (pending before the Legislature
49 as this bill).

1 28. This act shall take effect on the first day of the third month
2 following enactment, except the New Jersey Motor Vehicle
3 Commission and the Division of Consumer Affairs in the
4 Department of Law and Public Safety may take anticipatory actions
5 necessary to implement the provisions of this act.