Title 39.
Subtitle 1.
Chapter 5H (New)
Transportation
Network
Companies
§§1-27 -
C.39:5H-1 to
39:5H-27
§28 - Note

P.L.2017, CHAPTER 26, ***approved February 10, 2017***
Assembly Committee Substitute ***(First Reprint)*** for
Assembly, No. 3695

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

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

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

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

"Applicant" means a person who applies to a transportation network company to be a transportation network company driver.

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle Commission.

"Digital network" means any online-enabled technology application, service, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides between transportation network company riders and transportation network company drivers.

"Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.

"Personal vehicle" means a motor vehicle that is used by a transportation network company driver to provide prearranged rides and is owned, leased, or otherwise authorized for use by the transportation network company driver. A personal vehicle shall

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.

not be considered an autocab or taxi as defined in R.S.48:16-1, a limousine as defined in R.S.48:16-13 or section 2 of P.L.1997, c.356 (C.48:16-13.1), an autobus or jitney as defined in R.S.48:16-23, a motor bus as defined in section 1 of P.L.1991, c.154 (C.17:28-1.5), or any other for-hire vehicle. [1]A personal vehicle shall not be considered an automobile as defined in subsection a. of section 2 of P.L.1972, c.70 (C.39:6A-2) while a transportation network company driver is providing a prearranged ride.[1]

"Prearranged ride" means the provision of transportation by a transportation network company driver to a transportation network company rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride shall not include transportation provided using an autocab, taxi, limousine, autobus, jitney, motor bus, or other for-hire vehicle. A prearranged ride shall not include ridesharing, as defined in R.S.39:1-1.

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

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

"Transportation network company rider" or "rider" means a person who uses a transportation network company's digital network to connect with a transportation network company driver to receive a prearranged ride from the driver using the driver's personal vehicle.

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

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

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

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

(3) a written description of the transportation network company's zero tolerance policy, as required by section 14 of P.L. , c. (C.) (pending before the Legislature as this bill);

(4) a written description of the transportation network company's policy of non-discrimination, as required by section 15 of P.L. , c. (C.) (pending before the Legislature as this bill); and

(5) a written description of how the transportation network company will comply with the criminal background check requirements pursuant to section 17 of P.L. , c. (C.) (pending before the Legislature as this bill).

b. A transportation network company shall pay an initial and annual permit fee of $25,000.

c. The commission may revoke the permit, after notice and a hearing, if the transportation network company fails to comply with the provisions of P.L. , c. (C.) (pending before the Legislature as this bill).

d. A transportation network company shall not operate in this State prior to obtaining a permit from the commission; except that, any transportation network company registered as a business in the State or operating in the State prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) may continue to operate in this State until the commission issues a written decision regarding the transportation network company's permit application, provided that the transportation network company has conducted a driving record check of each driver that logs on to the transportation network company's digital network as a driver and provides to the commission proof of insurance required pursuant to section 10 of P.L. , c. (C.) (pending before the Legislature as this bill).

e. A transportation network company registered as a business in the State or operating in the State prior to the effective date of

P.L. , c. (C.) (pending before the Legislature as this bill) shall apply to the commission for a permit pursuant to this section on or before the 30th day after the commission begins accepting permit applications.

f. A transportation network company that operates without a permit in violation of this section shall be subject to a penalty of $500. Actions to impose a penalty under this subsection shall be brought, and the penalty shall be collected, in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction to hear any action brought [1]**[**for violation of**]** pursuant to[1] this subsection. All penalties collected pursuant to this subsection shall be forwarded as provided in R.S.39:5-40 and subsection b. of R.S.39:5-41. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate, and distinct offense.

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

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

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

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

7. A transportation network company may, on behalf of a transportation network company driver, collect a fare for a

prearranged ride provided to a transportation network company rider; provided that, if a fare is collected from a rider, the transportation network company shall disclose to the rider on its website or digital network the fare or method by which the transportation network company calculates fares. The transportation network company shall provide riders with the applicable rates being charged by a transportation network company driver and the option to receive an estimated fare prior to the rider entering the driver's personal vehicle.

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

9. Within 48 hours following completion of a prearranged ride, a transportation network company shall provide a transportation network company rider with an electronic receipt which shall include:

a. the points of origin and destination of the prearranged ride;

b. the total time and distance of the prearranged ride; and

c. an itemization of the total fare paid, if any.

10. a. On or before the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), a transportation network company driver, transportation network company, or any combination of the two shall maintain primary automobile insurance that recognizes that the driver is a transportation network company driver, or otherwise uses a personal vehicle to provide prearranged rides, and covers the driver: (1) while the driver is logged on to the transportation network company's digital network but is not providing a prearranged ride; or (2) while the driver is providing a prearranged ride.

b. Whenever a transportation network company driver is logged on to the transportation network company's digital network and is available to receive a prearranged ride request, but is not providing a prearranged ride, the transportation network company driver, transportation network company, or any combination of the two shall maintain the following insurance coverage:

(1) primary automobile liability insurance in the amount of at least $50,000 for death or bodily injury per person, $100,000 for death or bodily injury per incident, and $25,000 for property damage;

(2) primary personal injury protection benefits that provide coverage amounts selected pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4); and

(3) uninsured and underinsured motorist coverage to the extent required pursuant to section 2 of P.L.1968, c.385 (C.17:28-1.1).

c. Whenever a transportation network company driver is providing a prearranged ride, the transportation network company driver, transportation network company, or any combination of the two shall maintain the following insurance coverage:

(1) primary automobile liability insurance in the amount of at least $1,500,000 for death, bodily injury, and property damage;

(2) primary automobile insurance for medical payments benefits in an amount of at least $10,000 per person per incident, which shall only apply to and provide coverage for the benefit of the transportation network company driver; and

(3) uninsured and underinsured motorist coverage [1][to the extent required pursuant to section 2 of P.L.1968, c.385 (C.17:28-1.1)] in an amount of at least $1,500,000[1].

d. If the insurance coverage maintained by a transportation network company driver pursuant to subsections b. and c. of this section has lapsed or does not provide the required coverage, insurance maintained by the transportation network company shall provide the coverage required by subsections b. and c. of this section beginning with the first dollar of a claim and the transportation network company shall have the duty to defend the claim.

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

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

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

h. A transportation network company driver shall carry proof of insurance required pursuant to subsections b. and c. of this section at all times while using a personal vehicle in connection with a transportation network company's digital network. In the event of an accident, a transportation network company driver shall, upon request, provide insurance coverage information to the directly interested parties, automobile insurers, and investigating

law enforcement officers. The insurance coverage information may be displayed or provided in either paper or electronic form as provided in R.S.39:3-29. A transportation network company driver shall, upon request, disclose to the directly interested parties, automobile insurers, and investigating law enforcement officers whether the driver was logged on to a digital network as a driver or whether the driver was providing a prearranged ride at the time of the accident.

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

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

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

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

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

12. a. Notwithstanding the "Motor Vehicle Security-Responsibility Law," P.L.1952, c.173 (C.39:6-23 et seq.) and P.L.1972, c.197 (C.39:6B-1 et seq.), an insurance company duly licensed to transact business under the insurance laws of this State may exclude any and all coverage afforded under a private passenger automobile insurance policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while the personal vehicle is being used by a transportation network

company driver and the driver is logged on to a transportation network company's digital network or is providing a prearranged ride. This right to exclude all coverage may apply to any coverage included in a private passenger automobile insurance policy including, but not limited to:

(1) liability coverage for bodily injury and property damage;

(2) personal injury protection coverage;

(3) uninsured and underinsured motorist coverage;

(4) medical payments coverage;

(5) comprehensive physical damage coverage; and

(6) collision physical damage coverage.

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

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

Nothing in this section shall be deemed to preclude an insurer from providing primary or excess coverage by contract or endorsement for the transportation network company driver's personal vehicle while the transportation network company driver is logged on to a digital network or while the driver is providing a prearranged ride.

b. An insurance company duly licensed to transact business under the insurance laws of this State that excludes coverage pursuant to subsection a. of this section shall have no duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this section shall be deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in the State prior to enactment of P.L. , c. (C.) (pending before the Legislature as this bill), that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public. An automobile insurance company that defends or indemnifies a claim against a driver that is excluded under the terms of its policy shall have a right of contribution against other insurers that provide automobile liability insurance to the same driver in satisfaction of the coverage required pursuant to subsections b. and c. of section 10 of P.L. , c. (C.) (pending before the Legislature as this bill) at the time of loss.

c. In a claims coverage investigation, transportation network companies shall immediately provide upon request by directly involved parties or any insurer of the transportation network

company driver, if applicable, the precise times that a transportation network company driver logged on and off of the transportation network company's digital network in the 12-hour periods immediately preceding and immediately following the accident. Any insurer providing coverage under subsections b. and c. of section 10 of P.L. , c. (C.) (pending before the Legislature as this bill) shall disclose, upon request by any other insurer involved in the particular claim, the applicable coverage, exclusions, and limits provided under any automobile insurance maintained under section 10 of P.L. , c. (C.) (pending before the Legislature as this bill).

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

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

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

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

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

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

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

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

d. The transportation network company shall maintain records relevant to the enforcement of the zero tolerance policy required

under this section for a period of at least two years from the date that the transportation network company receives a rider's complaint.

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

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

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

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

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

f. If a transportation network company does not provide access to wheelchair accessible personal vehicles, the transportation network company shall provide on its website or digital network the contact information of providers of wheelchair accessible vehicle transportation services available in New Jersey, if those services are available in the State.

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

17. a. (1) A transportation network company registered as a business in the State or operating in the State prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) shall have six months from the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) to have

the Attorney General approve the method that a transportation network company, or third party designated by the transportation network company, proposes to use to conduct a criminal background check for an applicant or driver.

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

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

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

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

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

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

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

c. If the Attorney General approves the method that a transportation network company, or a third party designated by the transportation network company, proposes to use to conduct a criminal background check, the transportation network company, or a third party designated by the transportation network company, shall conduct a criminal background check approved by the Attorney General prior to allowing an applicant to log on to the transportation network company's digital network as a

transportation network company driver or to provide a prearranged ride as a transportation network company driver.

d. If the Attorney General approves the method that a transportation network company registered as a business in the State or operating in the State prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), or a third party designated by the transportation network company, proposes to use to conduct a criminal background check, the transportation network company shall have 30 days from the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) to conduct, or have a third party designated by the transportation network company conduct, a criminal background check for a driver utilizing the transportation network company's digital network as a driver prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) using the method approved by the Attorney General, unless the transportation network company, or a third party designated by the transportation network company, conducted a criminal background check for the driver prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) using the method approved by the Attorney General.

e. (1) If the Attorney General does not approve the method that a transportation network company, or a third party designated by the transportation network company, proposes to use to conduct a criminal background check, an applicant shall provide to the Division of State Police the applicant's name, address, fingerprints, and written consent for a criminal history record background check to be performed by the Division of State Police, in accordance with regulations adopted under chapter 59 of Title 13 of the New Jersey Administrative Code, prior to logging on to a transportation network company's digital network as a driver or providing a prearranged ride as a transportation network company driver. The Division of State Police may exchange fingerprint data with, and receive criminal history record information from, the Federal Bureau of Investigation for the use in determining an applicant's eligibility to be a transportation network company driver pursuant to subsection a. of section 20 of P.L. , c. (C.) (pending before the Legislature as this bill) based upon results of the applicant's criminal history record background check.

(2) If the Attorney General does not approve the method that a transportation network company registered as a business in the State or operating in the State prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), or a third party designated by the transportation network company, proposes to use to conduct a criminal background check, a transportation network company shall require a driver utilizing the transportation network company's digital network as a driver prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this

bill) to provide to the Division of State Police the driver's name, address, fingerprints, and written consent for a criminal history record background check to be performed by the Division of State Police, in accordance with regulations adopted under chapter 59 of Title 13 of the New Jersey Administrative Code. The Division of State Police may exchange fingerprint data with, and receive criminal history record information from, the Federal Bureau of Investigation for the use in determining a driver's eligibility to be a transportation network company driver pursuant to subsection a. of section 20 of P.L. , c. (C.) (pending before the Legislature as this bill) based upon results of the driver's criminal history record background check.

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

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

18. a. Prior to allowing an applicant to log on to a transportation network company's digital network as a transportation network company driver or to provide a prearranged ride as a transportation network company driver, the transportation network company, or a third party designated by the transportation network company, shall conduct a driving record check, which shall include information concerning the applicant's driving violations and driver's status.

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

19. a. Prior to allowing an applicant to log on to a transportation network company's digital network as a transportation network company driver or to provide a prearranged ride as a transportation network company driver, the transportation network company, or a third party designated by the transportation

network company, shall conduct a social security number trace that identifies the addresses of the applicant for at least seven years prior to the date the application is received by the transportation network company. An applicant shall provide at least three of the following documents, in paper or electronic form, to the transportation network company for purposes of conducting a social security number trace:

(1) the applicant's driver's license;

(2) the applicant's motor vehicle registration;

(3) the applicant's automobile liability insurance policy;

(4) a utility or credit card statement containing the applicant's name and address issued within the past 90 days;

(5) a high school or college transcript containing the applicant's name and address issued within the past two years;

(6) a current lease or rental agreement containing the applicant's name as the lessee or renter; or a property tax bill containing the applicant's name as the property owner or co-owner issued within the past year;

(7) a letter or correspondence addressed to the applicant and received from the Internal Revenue Service or the Division of Taxation in the New Jersey Department of the Treasury within the past year;

(8) first-class mail addressed to the applicant and received from a federal, state, or local government agency within the past six months;

(9) a valid active duty United States military photo identification card;

(10) a valid United States passport; or

(11) a valid United States permanent resident card.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. The commission or division may require transportation network company records maintained in-State or out-of-State to be available to the commission or division within 14 business days of the commission's or division's request to inspect records to investigate and resolve a complaint pursuant to subsection b. of this section. The transportation network company may request an extension if the 14 business day deadline imposes an undue burden upon the transportation network company.

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

d. For the purpose of verifying that a transportation network company is in compliance with the requirements of

P.L. c. (C.) (pending before the Legislature as this bill) or to assure the integrity and performance of a transportation network company or a transportation network company driver, the commission, division, or an authorized representative may inspect transportation network company records including all books, records, documents, papers, reports, or data relating to the operation of a transportation network company, in whatever form kept, including, but not limited to, records required to be maintained by a transportation network company pursuant subsection a. of this section. The inspection shall take place at a mutually agreed upon location in the State. Any record provided to the commission, division, or authorized representative may exclude information that tends to identify specific drivers or riders.

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

f. A transportation network company's failure to comply with the provisions of this section or permit the commission or division on the transportation network company's premises during regular business hours to conduct investigations or reviews shall be cause for suspension or revocation of the permit issued by the commission to operate as a transportation network company pursuant to section 4 of P.L. , c. (C.) (pending before the Legislature as this bill), or any other fine, penalty, or enforcement action as determined by the commission or division. The commission's or division's investigation or review of the transportation network company may include, but shall not be limited to, discussions with customers and transportation network company drivers, examination of motor vehicle records, questioning of employees, and the use of other investigatory techniques as may be necessary for the enforcement of this section and regulations adopted by the commission or division.

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

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

pursuant to P.L. , c. (C.) (pending before the Legislature as this bill).

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

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

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

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

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

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

Regulates transportation network companies.