

# ASSEMBLY, No. 3089

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 28, 2022

**Sponsored by:**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblywoman SHAMA A. HAIDER**

**District 37 (Bergen)**

**Assemblyman WILLIAM W. SPEARMAN**

**District 5 (Camden and Gloucester)**

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**Assemblymen Simonsen, Space, Wirths, Assemblywoman McKnight,**

**Assemblymen Karabinchak, Stanley, Assemblywomen Piperno, Eulner,**

**Mosquera, Swain, Jasey and Park**

**SYNOPSIS**

Provides for lifetime disqualification from operating commercial motor vehicle and transportation network company vehicle for persons convicted of human trafficking.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 3/24/2022)

1 AN ACT concerning the lifetime disqualification from operating  
2 commercial motor vehicles and transportation network company  
3 vehicles for human trafficking convictions and amending  
4 P.L.1990, c.103 and P.L.2017, c.26.

5

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

8

9 1. Section 12 of P.L.1990, c.103 (39:3-10.20) is amended to read  
10 as follows:

11 12. a. In addition to the imposition of any other penalty provided  
12 by law, the chief administrator shall suspend for not less than one  
13 year nor more than three years the commercial motor vehicle driving  
14 privilege of a person convicted for a first violation of:

15 (1) R.S.39:4-50 if the motor vehicle was a commercial motor  
16 vehicle or section 5 of **[this act]** P.L.1990, c.103 (C.39:3-10.13).

17 (2) R.S.39:4-129 if the motor vehicle was a commercial motor  
18 vehicle operated by the person.

19 (3) Using a commercial motor vehicle in the commission of any  
20 "crime" as defined in subsection a., c., or d. of N.J.S.2C:1-4, except  
21 in circumstances where harsher penalties are provided by this  
22 section.

23 (4) Refusal to submit to a chemical test under section 2 of  
24 P.L.1966, c.142 (C.39:4-50.2) or section 16 of **[this act]** P.L.1990,  
25 c.103 (C.39:3-10.24) if the motor vehicle was a commercial motor  
26 vehicle.

27 (5) Paragraph (1) of subsection b. of section 10 of **[this act]**  
28 P.L.1990, c.103 (C.39:3-10.18).

29 (6) A violation, arising in connection with a fatal accident, of  
30 State or local law relating to motor vehicle traffic control, other than  
31 a parking violation, regardless of whether the motor vehicle operated  
32 by the person was a commercial motor vehicle or a non-commercial  
33 motor vehicle.

34 b. If a first violation of any of the violations specified in  
35 subsection a. of this section takes place while transporting hazardous  
36 material or takes place in a vehicle displaying a hazardous material  
37 placard, the chief administrator shall suspend the commercial motor  
38 vehicle driving privilege of the person for three years.

39 c. Subject to the provisions of subsection d. of this section, the  
40 chief administrator shall revoke for life the commercial motor vehicle  
41 driving privilege of a person for a second or subsequent violation of  
42 any of the offenses specified in subsections a. and j. of this section  
43 or any combination of those offenses arising from two or more  
44 separate incidents.

45 d. The chief administrator may issue rules and regulations  
46 establishing guidelines, including conditions under which a  
47 revocation of commercial motor vehicle driving privilege for life

**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.

1 under subsection c. may be reduced to a period of not less than 10  
2 years.

3 e. Notwithstanding any other provision of law to the contrary,  
4 the chief administrator shall revoke for life the commercial motor  
5 vehicle driving privilege of a person who uses a commercial motor  
6 vehicle or a non-commercial motor vehicle in the commission of a  
7 crime involving the manufacture, distribution, or dispensing of a  
8 controlled substance or controlled substance analog, or possession  
9 with intent to manufacture, distribute, or dispense a controlled  
10 substance or controlled substance analog.

11 Notwithstanding any other provision of law to the contrary, the  
12 chief administrator shall revoke for life the commercial motor vehicle  
13 driving privilege of a person who is convicted of a crime involving  
14 an act or practice described in section 1 of P.L.2005, c.77 (C.2C:13-  
15 8) or involving an act or practice of one or more of the severe forms  
16 of trafficking in persons as described in paragraph (11) of 22 U.S.C.  
17 S.7102, the federal "Trafficking Victims Protection Act of 2000."

18 A revocation under this subsection shall not be subject to  
19 reduction in accordance with subsection d. of this section.

20 f. (1) The chief administrator shall suspend the commercial motor  
21 vehicle driving privilege of a person for a period of not less than 60  
22 days if the person is convicted of a serious traffic violation, other  
23 than a violation arising in connection with a fatal accident as set forth  
24 in paragraph (6) of subsection a. of this section, and that conviction  
25 constitutes the second serious traffic violation committed in a  
26 commercial motor vehicle or non-commercial motor vehicle in this  
27 or any other state arising from separate incidents occurring within a  
28 three-year period. The chief administrator shall suspend the  
29 commercial motor vehicle driving privilege for 120 days if the  
30 conviction constitutes the third or subsequent serious traffic  
31 violation, other than a violation arising in connection with a fatal  
32 accident as set forth in paragraph (6) of subsection a. of this section,  
33 committed in a commercial motor vehicle or non-commercial motor  
34 vehicle in this or any other state arising from separate incidents  
35 occurring within a three-year period.

36 (2) The chief administrator shall suspend the commercial motor  
37 vehicle driving privilege of a person for a period of not less than 60  
38 days if the person is convicted of a violation of R.S.39:4-128; section  
39 68 of P.L.1951, c.23 (C.39:4-127.1); or section 10 of P.L.2005, c.147  
40 (C.39:4-128.11). The chief administrator shall suspend the  
41 commercial motor vehicle driving privilege for not less than 120 days  
42 if the conviction constitutes the second violation of R.S.39:4-128;  
43 section 68 of P.L.1951, c.23 (C.39:4-127.1); section 10 of P.L.2005,  
44 c.147 (C.39:4-128.11) or any combination of such violations in this  
45 or any other state arising from separate incidents occurring within a  
46 three-year period. The chief administrator shall suspend the  
47 commercial motor vehicle driving privilege for not less than one year  
48 if the conviction constitutes the third or subsequent violation of

1 R.S.39:4-128; section 68 of P.L.1951, c.23 (C.39:4-127.1); section  
2 10 of P.L.2005, c.147 (C.39:4-128.11) or any combination of such  
3 violations in this or any other state arising from separate incidents  
4 occurring within the past three years.

5 (3) The chief administrator shall suspend the commercial motor  
6 vehicle driving privilege of a person for a period of not less than 180  
7 days or more than one year if the person is convicted of violating a  
8 driver, commercial motor vehicle, or motor carrier operation out-of-  
9 service order while driving a commercial motor vehicle transporting  
10 nonhazardous materials. The chief administrator shall suspend the  
11 commercial motor vehicle driving privilege of a person for a period  
12 of not less than two years or more than five years if the conviction  
13 constitutes the second conviction in a separate incident in this or any  
14 other state within a 10-year period of violating a driver, commercial  
15 motor vehicle, or motor carrier operation out-of-service order while  
16 driving a commercial motor vehicle transporting nonhazardous  
17 materials. The chief administrator shall suspend the commercial  
18 motor vehicle driving privilege of a person for a period of not less  
19 than three years or more than five years if the conviction constitutes  
20 the third or subsequent conviction in a separate incident in this or any  
21 other state within a 10-year period of violating a driver, commercial  
22 motor vehicle, or motor carrier operation out-of-service order while  
23 driving a commercial motor vehicle transporting nonhazardous  
24 materials.

25 (4) The chief administrator shall suspend the commercial motor  
26 vehicle driving privilege of a person for a period of not less than 180  
27 days or more than two years if the person is convicted of violating a  
28 driver, commercial motor vehicle, or motor carrier operation out-of-  
29 service order while driving a commercial motor vehicle transporting  
30 hazardous materials required to be placarded under Subpart F of 49  
31 C.F.R. s.172, or while operating a vehicle designed to transport 16 or  
32 more passengers, including the driver. The chief administrator shall  
33 suspend the commercial motor vehicle driving privilege of a person  
34 for a period of not less than three years or more than five years if the  
35 conviction constitutes a second or subsequent conviction in a  
36 separate incident within a 10-year period in this or any other state of  
37 violating a driver, commercial motor vehicle, or motor carrier  
38 operation out-of-service order while driving a commercial motor  
39 vehicle transporting hazardous materials required to be placarded  
40 under Subpart F of 49 C.F.R. s.172, or while operating a vehicle  
41 designed to transport 16 or more passengers, including the driver.

42 g. A court shall make a report to the chief administrator within  
43 three days in such form as the chief administrator may require  
44 concerning conviction for any violation **[of]** or crime listed or  
45 described in P.L.1990, c.103 (C.39:3-10.9 et seq.). The chief  
46 administrator shall notify the Commercial Driver License  
47 Information System of the suspension, revocation, or cancellation.  
48 In the case of non-residents, the chief administrator also shall notify

1 the licensing authority of the state which issued the commercial  
2 driver license or the state where the person is domiciled. The chief  
3 administrator shall provide these notices within 10 days after the  
4 suspension, revocation, cancellation, or disqualification.

5 h. The chief administrator shall in accordance with this section  
6 suspend a commercial motor vehicle driving privilege of a person  
7 holding, or required to hold, a commercial driver license issued by  
8 this State if the person is convicted in another state or foreign  
9 jurisdiction of an offense of a substantially similar nature to the  
10 offenses specified in subsection a., e., f., g., h., i. or j. of this section.  
11 For purposes of this section, a violation such as driving while  
12 intoxicated, driving under the influence, or driving while ability is  
13 impaired shall be considered substantially similar offenses. For  
14 purposes of this section, a violation committed in another state but  
15 substantially similar to those enumerated in subsection a., e., f., g.,  
16 h., i. or j. of this section committed in this State shall be included.

17 i. Notwithstanding any other provision of law to the contrary, a  
18 conviction under this section, or section 5 or 16 of **[this act]**  
19 P.L.1990, c.103 (C.39:3-10.13 or C.39:3-10.24), shall not merge with  
20 a conviction for a violation of R.S.39:4-50 or section 2 of P.L.1966,  
21 c.142 (C.39:4-50.2).

22 j. In addition to any other penalty provided by law, the chief  
23 administrator shall suspend for one year the commercial motor  
24 vehicle driving privilege of a person for a first violation of:

25 (1) R.S.39:4-50 while operating a non-commercial motor vehicle;

26 (2) R.S.39:4-129 while operating a non-commercial motor  
27 vehicle;

28 (3) Refusing to submit to a chemical test under section 2 of  
29 P.L.1966, c.142 (C.39:4-50.2) while operating a non-commercial  
30 motor vehicle; or

31 (4) Using a non-commercial motor vehicle in the commission of  
32 any "crime" as defined in subsection a., c., or d. of N.J.S.2C:1-4.

33 k. The chief administrator shall in accordance with this section  
34 suspend the commercial motor vehicle driving privilege of a person  
35 holding, or required to hold, a commercial driver license issued by  
36 this State if that person has been disqualified from operating a  
37 commercial motor vehicle by the Federal Motor Carrier Safety  
38 Administration pursuant to 49 C.F.R. s.383.52 because that person's  
39 driving has been determined to constitute an imminent hazard.

40 l. The New Jersey Motor Vehicle Commission shall maintain  
41 records of accidents, convictions, and disqualification for persons  
42 holding, or required to hold, a commercial driver license in  
43 accordance with 49 C.F.R. s.384.225 and the AAMVAnet, Inc.'s  
44 "Commercial Driver License Information System State Procedures,"  
45 as amended and supplemented.

46 m. Any driver who is found to be in violation of the provisions  
47 of paragraph (a) or (b) of 49 C.F.R. s.392.5, relating to the use of  
48 alcohol, being under the influence of alcohol, having any measured

1 alcohol concentration or detected presence of alcohol, or possessing  
2 alcohol, shall be placed out-of-service immediately for a period of 24  
3 hours.

4 (cf: P.L.2009, c.271, s.3)

5

6 2. Section 20 of P.L.2017, c.26 (C.39:5H-20) is amended to read  
7 as follows:

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

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

14 (1) In New Jersey, any crime as follows: aggravated assault,  
15 arson, burglary, escape, extortion, homicide, kidnapping, robbery,  
16 aggravated sexual assault, sexual assault, or endangering the welfare  
17 of a child pursuant to N.J.S.2C:24-4, whether or not armed with or  
18 having possession of any weapon enumerated in subsection r. of  
19 N.J.S.2C:39-1, human trafficking pursuant to section 1 of P.L.2005,  
20 c.77 (C.2C:13-8) or any crime involving an act or practice of one or  
21 more of the severe forms of trafficking in persons as described in  
22 paragraph (11) of 22 U.S.C. S.7102, the federal "Trafficking Victims  
23 Protection Act of 2000," a crime pursuant to the provisions of  
24 N.J.S.2C:39-3, N.J.S.2C:39-4, or N.J.S.2C:39-9, or other than a  
25 disorderly persons or petty disorderly persons offense for the  
26 unlawful use, possession or sale of a controlled dangerous substance  
27 as defined in N.J.S.2C:35-2.

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

33 If an applicant or driver who has been convicted of one of the  
34 crimes enumerated in paragraph (1) or (2) of this subsection produces  
35 a valid certificate of rehabilitation issued pursuant to section 2 of  
36 P.L.2007, c.327 (C.2A:168A-8) or, if the criminal offense occurred  
37 outside the State, an equivalent certificate from the jurisdiction where  
38 the criminal offense occurred, the criminal offense shall not  
39 disqualify the applicant or driver from accessing the transportation  
40 network company's digital network as a transportation network  
41 company driver or from providing prearranged rides as a  
42 transportation network company driver, except that this provision  
43 shall not apply to an applicant or driver who has been convicted of  
44 human trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-  
45 8), any crime involving an act or practice of one or more of the severe  
46 forms of trafficking in persons as described in paragraph (11) of 22  
47 U.S.C. S.7102, the federal "Trafficking Victims Protection Act of  
48 2000," or a comparable crime in another jurisdiction. A

- 1 transportation network company, or a third party designated by the  
2 transportation network company, shall take reasonable measures to  
3 confirm the validity of the certificate, such as contacting the relevant  
4 court or government agency;
- 5 b. The applicant's or driver's driving record check reveals more  
6 than three moving violations in the prior three-year period, or one of  
7 the following violations in the prior three-year period:
- 8 (1) driving under the influence pursuant to R.S.39:4-50;  
9 (2) resisting arrest; eluding an officer pursuant to N.J.S.2C:29-2;  
10 (3) reckless driving pursuant to R.S.39:4-96;  
11 (4) driving with a suspended or revoked license pursuant to  
12 R.S.39:3-40; or  
13 (5) a violation committed in any other state, territory,  
14 commonwealth, or other jurisdiction of the United States that is  
15 comparable to one of the violations enumerated in paragraph (1), (2),  
16 (3), or (4) of this subsection;
- 17 c. The applicant or driver is a match in the United States  
18 Department of Justice's Dru Sjodin National Sex Offender Public  
19 Website;
- 20 d. The applicant or driver is not a holder of a valid basic driver's  
21 license;
- 22 e. The applicant or driver does not possess proof of valid vehicle  
23 registration for the driver's personal vehicle to be used to provide  
24 prearranged rides;
- 25 f. The applicant or driver does not possess proof of valid  
26 automobile liability insurance for the personal vehicle; or  
27 g. The applicant or driver is under 21 years of age.  
28 (cf: P.L.2017, c.26, s.20)

29  
30 3. This act shall take effect immediately.  
31  
32

33 STATEMENT  
34

35 This bill establishes a lifetime disqualification from operating a  
36 commercial motor vehicle or transportation network company  
37 vehicle for any individual convicted of human trafficking under New  
38 Jersey law, any crime involving an act or practice of one or more of  
39 the severe forms of trafficking in persons under the federal  
40 "Trafficking Victims Protection Act of 2000", or any comparable  
41 crime in another jurisdiction.