

ASSEMBLY, No. 5262

STATE OF NEW JERSEY 220th LEGISLATURE

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SYNOPSIS

Requires all transportation network company drivers to use electric vehicles beginning January 1, 2035.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the personal vehicles of transportation network
2 company drivers and amending P.L.2017, c.26.

3

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

6

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

9 2. As used in P.L.2017, c.26 (C.39:5H-1 et seq.):

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

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

14 "Commission" means the New Jersey Motor Vehicle
15 Commission.

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

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

23 "Electric vehicle" means any passenger automobile or other
24 motor vehicle that is propelled solely by an electric motor or energy
25 storage device.

26 "Machine-readable code or image" means an optical label that
27 can be scanned using a special scanner or a personal mobile device
28 with a built-in camera.

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

41 "Prearranged ride" means the provision of transportation by a
42 transportation network company driver to a transportation network
43 company rider, beginning when a driver accepts a ride requested by
44 a rider through a digital network controlled by a transportation
45 network company, continuing while the driver transports a

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

6 "Transportation network company" means a corporation,
7 partnership, sole proprietorship, or other entity that is registered as
8 a business in the State or operates in this State, and uses a digital
9 network to connect a transportation network company rider to a
10 transportation network company driver to provide a prearranged
11 ride. A transportation network company shall not include an
12 individual, corporation, partnership, sole proprietorship, or other
13 entity arranging non-emergency medical transportation for
14 individuals qualifying for Medicaid under P.L.1968, c.413
15 (C.30:4D-1 et seq.) or Medicare under Pub.L.89-97 (42 U.S.C.
16 s.1395 et seq.) pursuant to a contract with the State or a managed
17 care organization, whereby Medicaid or Medicare funding is used to
18 pay for the non-emergency medical transportation 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 (cf: P.L.2019, c.128, s.1)

33

34 2. Section 16 of P.L.2017, c.26 (C.39:5H-16) is amended to
35 read as follows:

36 16. a. A transportation network company shall require an
37 applicant, as defined in section 2 of P.L.2017, c.26 (C.39:5H-2), to
38 submit a transportation network company driver application to the
39 transportation network company. The application shall include the
40 applicant's address, age, and social security number, a copy of the
41 applicant's driver's license, motor vehicle registration, and
42 automobile liability insurance, and any other information required
43 by the transportation network company.

44 b. Beginning on January 1, 2035, the transportation network
45 company driver application shall include proof, in a form and
46 manner prescribed by the commission, that each personal vehicle to

1 be used by the applicant to provide prearranged rides is an electric
2 vehicle.

3 (cf: P.L.2017, c.26, s.16)

4

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

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

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

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

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

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

1 or a third party designated by the transportation network company,
2 shall take reasonable measures to confirm the validity of the
3 certificate, such as contacting the relevant court or government
4 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
7 of 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),
16 (2), (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
21 driver's license;

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

28 h. Beginning on January 1, 2035, the personal vehicle to be
29 used by the driver or applicant in the provision of prearranged rides
30 is not an electric vehicle.

31 (cf: P.L.2022, c.11, s.2)

32

33 4. Section 21 of P.L.2017, c.26 (C.39:5H-21) is amended to
34 read as follows:

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

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

43 b. requiring each driver to keep the network access key
44 confidential and prohibiting the driver from sharing this information
45 with a third party; **[and]**

46 c. establishing procedures for responding to complaints from a
47 transportation network company rider claiming the picture provided
48 of the driver on the transportation network company's website or

1 digital network does not match the driver of the prearranged ride;
2 and

3 d. establishing procedures for responding to complaints from a
4 transportation network company rider claiming the personal vehicle
5 used by a driver after December 31, 2034 was not an electric
6 vehicle.

7 (cf: P.L.2017, c.26, s.21)

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9 5. This act shall take effect immediately, but shall remain
10 inoperative until January 1, 2035.

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STATEMENT

14

15 This bill requires all transportation network company drivers to
16 use electric vehicles in the provision of prearranged rides beginning
17 on January 1, 2035.

18 Under the bill, if a driver fails to comply with the requirements
19 of the bill, the transportation network company would be required
20 to take steps to prohibit the driver from accessing the transportation
21 network company's digital network or providing prearranged rides.
22 Specifically, the bill requires each transportation network company
23 to establish procedures for responding to complaints from riders
24 claiming that the personal vehicle used by a driver after December
25 31, 2034 was not an electric vehicle.

26 Beginning on January 1, 2035, the bill also provides that when a
27 person applies to become a transportation network company driver,
28 the applicant would be required to provide proof, in a form and
29 manner prescribed by the New Jersey Motor Vehicle Commission,
30 that each personal vehicle to be used by the applicant to provide
31 prearranged rides is an electric vehicle, as defined in the bill.