SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.
AN ACT concerning the personal vehicles of transportation network

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

1. Section 2 of P.L.2017, c.26 (C.39:5H-2) is amended to read as follows:
2. As used in P.L.2017, c.26 (C.39:5H-1 et seq.):
"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.
"Electric vehicle" means any passenger automobile or other
motor vehicle that is propelled solely by an electric motor or energy
storage device.
"Machine-readable code or image" means an optical label that
can be scanned using a special scanner or a personal mobile device
with a built-in camera.
"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
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. 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.
"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

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.
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.

(cf: P.L.2019, c.128, s.1)

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

16. a. A transportation network company shall require an
applicant, as defined in section 2 of P.L.2017, c.26 (C.39:5H-2), 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.

b. Beginning on January 1, 2035, the transportation network
company driver application shall include proof, in a form and
manner prescribed by the commission, that each personal vehicle to
be used by the applicant to provide prearranged rides is an electric
to provide prearranged rides is an electric
vehicle.
(c.f: P.L.2017, c.26, s.16)

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

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, human trafficking pursuant to section 1 of
P.L.2005, c.77 (C.2C:13-8) or any crime involving an act or
practice of one or more of the severe forms of trafficking in persons
as described in paragraph (11) of 22 U.S.C. S.7102, the federal
"Trafficking Victims Protection Act of 2000," 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,
except that this provision shall not apply to an applicant or driver
who has been convicted of human trafficking pursuant to section 1
of P.L.2005, c.77 (C.2C:13-8), any crime involving an act or
practice of one or more of the severe forms of trafficking in persons
as described in paragraph (11) of 22 U.S.C. S.7102, the federal
"Trafficking Victims Protection Act of 2000," or a comparable
crime in another jurisdiction. 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;
   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;
   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; or
   h. Beginning on January 1, 2035, the personal vehicle to be
used by the driver or applicant in the provision of prearranged rides
is not an electric vehicle.
(cf: P.L.2022, c.11, s.2)

4. Section 21 of P.L.2017, c.26 (C.39:5H-21) is amended to
read as follows:
   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;
and
d. establishing procedures for responding to complaints from a
transportation network company rider claiming the personal vehicle
used by a driver after December 31, 2034 was not an electric
vehicle.
(cf: P.L.2017, c.26, s.21)
5. This act shall take effect immediately, but shall remain
inoperative until January 1, 2035.

STATEMENT

This bill requires all transportation network company drivers to
use electric vehicles in the provision of prearranged rides beginning
on January 1, 2035.
Under the bill, if a driver fails to comply with the requirements
of the bill, the transportation network company would be required
to take steps to prohibit the driver from accessing the transportation
network company’s digital network or providing prearranged rides.
Specifically, the bill requires each transportation network company
to establish procedures for responding to complaints from riders
Claiming that the personal vehicle used by a driver after December
31, 2034 was not an electric vehicle.
Beginning on January 1, 2035, the bill also provides that when a
person applies to become a transportation network company driver,
the applicant would be required to provide proof, in a form and
manner prescribed by the New Jersey Motor Vehicle Commission,
that each personal vehicle to be used by the applicant to provide
prearranged rides is an electric vehicle, as defined in the bill.