

## CHAPTER 128

AN ACT concerning transportation network companies, designated as “Sami’s Law,” and amending and supplementing P.L.2017, c.26.

**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:

C.39:5H-2 Definitions relative to transportation network companies.

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.

"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 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.

2. Section 23 of P.L.2017, c.26 (C.39:5H-23) is amended to read as follows:

C.39:5H-23 Maintenance of electronic information by driver accessible to law enforcement, issuance of certain materials to driver for display.

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. (1) A transportation network company shall create an identifying marker which shall be submitted to the commission for recording and the transportation network company shall issue two identifying markers to every transportation network company driver that utilizes the transportation network company's digital network as a driver. The identifying markers shall be reflective, capable of being illuminated, or both.

(2) Every transportation network company driver shall display the identifying markers issued pursuant to this subsection on the front windshield and rear window of the driver's personal vehicle while the driver is logged on to the transportation network company's digital network as a driver or is providing a prearranged ride. If the identifying markers issued by a transportation network company are capable of being illuminated, the driver shall have the identifying markers illuminated and visible from outside of the vehicle while the driver is logged on to the transportation network company's digital network as a driver during times of darkness or is providing a prearranged ride during times of darkness.

c. (1) A transportation network company, or a third party designated by the transportation network company, shall create and the transportation network company shall issue to every driver that utilizes the transportation network company's digital network as a driver, a two-dimensional barcode or other machine-readable code or image that is unique to that driver and to the driver's personal vehicle that is to be used to provide prearranged rides. The two dimensional barcode or other machine-readable code or image shall be capable of being scanned by a rider to confirm the identity of the driver of a prearranged ride and the personal vehicle that is to be used to provide the prearranged ride. A transportation network company shall issue to every driver that utilizes its digital network as a driver two copies of the two-dimensional barcode or other machine-readable code or image.

(2) A driver shall display the two-dimensional barcodes or other machine-readable codes or images on the driver and passenger side rear windows of the driver's personal vehicle at all times while the driver is logged on to the transportation network company's digital network as a driver or is providing a prearranged ride.

d. (1) A transportation network company, or a third party designated by the transportation network company, shall produce and the transportation network company shall issue, two credential placards, in accordance with section 3 of P.L.2019, c.128 (C.39:5H-23.1), to every transportation network company driver that utilizes the transportation network company's digital network as a driver.

(2) A transportation network company driver shall display the credential placards on the driver and passenger side rear windows of the driver's personal vehicle at all times while the driver is logged on to the transportation network company's digital network as a driver or is providing a prearranged ride.

e. A driver shall return the identifying markers issued pursuant to subsection b. of this section; the barcodes or other machine-readable codes or images issued pursuant to subsection c. of this section; and the credential placards issued pursuant to subsection d. of this section to the transportation network company within 30 days of the date that the driver notifies the transportation network company that the driver is terminating status as a driver and will not provide prearranged rides using the transportation network company's digital network.

A transportation network company shall notify a driver of the requirement to return the identifying markers, credential placards, and barcodes or other machine-readable codes or images, and the time frame in which the driver is to return them within 15 days after the date that the driver notifies the transportation network company that the driver is terminating status as a driver and will not provide prearranged rides using the transportation network company's digital network.

f. A transportation network company driver shall be subject to a fine of \$250 if the driver fails to display:

(1) identifying markers or fails to illuminate identifying markers during times of darkness, if applicable, as required pursuant to the provisions of paragraph (2) of subsection b. of this section;

(2) barcodes or other machine-readable codes or images as required pursuant to the provisions of paragraph (2) of subsection c. of this section; or

(3) credential placards as required pursuant to the provisions of paragraph (2) of subsection d. of this section.

g. (1) A transportation network company shall prohibit, after providing the driver with notice and an opportunity to respond, a driver from utilizing the transportation network company's digital network as a driver or from providing a prearranged ride if the transportation network company determines that on three or more separate days a driver has failed to display:

(a) identifying markers as required pursuant to paragraph (2) of subsection b. of this section;

(b) barcodes or other machine-readable codes or images as required pursuant to paragraph (2) of subsection c. of this section; or

(c) credential placards as required pursuant to the provisions of paragraph (2) of subsection d. of this section.

(2) The New Jersey Motor Vehicle Commission shall suspend or revoke, after notice and a hearing, a transportation network company's permit to operate in the State, pursuant to section 4 of P.L.2017, c.26 (C.39:5H-4), if the transportation network company:

- (a) violates the provisions of paragraph (1) of subsection b. of this section;
- (b) violates the provisions of paragraph (1) of subsection c. of this section;
- (c) violates the provisions of paragraph (1) of subsection d. of this section; or

(d) fails to prohibit, after providing the driver with notice and an opportunity to respond, a driver from utilizing the transportation network company's digital network as a driver or from providing a prearranged ride as required pursuant to the provisions of paragraph (1) of this subsection.

h. Subsections b., c., d., and f. of this section shall not apply to a transportation network company driver who is completing a prearranged ride in this State if the ride originated in another state.

C.39:5H-23.1 Uniform credential placard template to be issued by a transportation network company; rules, regulations.

3. a. The Chief Administrator of the New Jersey Motor Vehicle Commission shall design a uniform credential placard template to be issued by a transportation network company, pursuant to subsection d. of section 23 of P.L.2017, c.26 (C.39:5H-23), to every transportation network company driver that provides prearranged rides that originate in the State. The credential placard template, which may be removable, shall be designed to include the following information:

- (1) the first name of the driver;
- (2) a high resolution, color picture of the driver;
- (3) the license plate number of each personal vehicle associated with the driver and the state that issued the license plate.

The commission shall not be required to provide a digitized picture of the driver to the transportation network company or driver for purposes of this section.

b. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), within six months of the effective date of P.L.2019, c.128 (C.39:5H-23.1 et al.), the chief administrator shall adopt, immediately upon filing proper notice with the Office of Administrative Law, such temporary rules and regulations necessary to effectuate the purposes of this act. The rules and regulations so adopted shall be effective for a period not to exceed one year from the date of the filing. The rules and regulations shall thereafter be amended, adopted, or readopted by the chief administrator in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

4. This act shall take effect immediately; except that:

a. subsection a. of section 3 of this act shall remain inoperative until six months following enactment; and

b. section 2 of this act shall remain inoperative until nine months following enactment.

The chief administrator shall take such anticipatory actions in advance of the operative date provided in subsection a. of this section as may be necessary for the timely implementation of this act.

Approved June 20, 2019.