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REPORTS: No

HEARINGS: Yes

Committee meeting of Senate Transportation Committee [and] Assembly Transportation and Independent Authorities Committee : the Committees will take testimony from invited guests concerning the operation and regulation of transportation network companies in the State of New Jersey; the following bills will be considered: S-3687, A-5321 [May 16, 2019, Trenton, New Jersey]

Call number: 974.90 T764, 2019a

Available online at <http://hdl.handle.net/10929/54682>

NEWSPAPER ARTICLES: Yes

Murphy signs 'Sami's Law,' requiring more ID for rideshares
Associated Press State Wire: New Jersey (NJ) - June 20, 2019

'Sami's Law': NJ Uber, Lyft drivers must now show signs, carry detailed ID cards
northjersey.com (Published as northjersey.com (NJ)) - June 20, 2019

'SAMI'S LAW' TO HELP RIDE-SHARING USERS
Record, The (Hackensack, NJ) - June 21, 2019

Gov. signs law to make Uber, Lyft safer
Jersey Journal, The (Jersey City, NJ) - June 21, 2019

'Sami's Law' gets governor's signature Bill named for slain woman aims to protect Uber riders
South Jersey Times (NJ) - June 21, 2019

'Sami's Law' gets governor's signature Rides Bill named for slain woman aims to protect Uber riders
Star-Ledger, The (Newark, NJ) - June 21, 2019

RWH/CL

P.L. 2019, CHAPTER 128, *approved June 20, 2019*
Assembly Committee Substitute (*First Reprint*) for
Assembly, No. 5321

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

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

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

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

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

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

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

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

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

24 “Machine-readable code or image” means an optical label that
25 can be scanned using a special scanner or a personal mobile device
26 with a built-in camera.

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

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:

¹Senate floor amendments adopted May 30, 2019.

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

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

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

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

37 (cf: P.L.2017, c.26, s.2)

38

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

41 23. a. Each transportation network company driver shall
42 maintain electronic information while using the transportation
43 network company's digital network that will allow any law
44 enforcement officer, or other city, State, or federal official, to
45 confirm the following information for any transportation network
46 company driver: (1) the driver's identity and a color photo; (2) the
47 make and model of the driver's personal vehicle; (3) the license

1 plate number of the driver's personal vehicle; and (4) an electronic
2 record of a prearranged ride underway, if any. Each transportation
3 network company driver shall be able to produce this information,
4 upon the lawful request of any law enforcement officer or other
5 city, State, or federal official.

6 b. (1) A transportation network company shall create an
7 identifying marker which shall be submitted to the commission for
8 recording[, issued] and the transportation network company shall
9 issue two identifying markers to every transportation network
10 company driver[, and displayed] that utilizes the transportation
11 network company's digital network as a driver. The identifying
12 markers shall be reflective, capable of being illuminated, or both.

13 (2) Every transportation network company driver shall display
14 the identifying markers issued pursuant to this subsection on the
15 front windshield and rear window of the driver's personal vehicle
16 [when] while the driver [logs] is logged on to the transportation
17 network company's digital network as a driver or [provides] is
18 providing a prearranged ride. If the identifying markers issued by a
19 transportation network company are capable of being illuminated,
20 the driver shall have the identifying markers illuminated and visible
21 from outside of the vehicle while the driver is logged on to the
22 transportation network company's digital network as a driver during
23 times of darkness or is providing a prearranged ride during times of
24 darkness.

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

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

44 d. (1) A transportation network company, or a third party
45 designated by the transportation network company, shall produce
46 and the transportation network company shall issue, two credential
47 placards, in accordance with section 3 of P.L. , c. (C.)

1 (pending before the Legislature as this bill), to every transportation
2 network company driver that utilizes the transportation network
3 company's digital network as a driver.

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

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

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

26 f. A transportation network company driver shall be subject to
27 a ¹[penalty] fine¹ of \$250 if the driver fails to display:

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

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

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

36 ¹[All penalties collected under this subsection shall be brought,
37 and the penalty shall be collected, in a summary proceeding
38 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
39 c.274 (C.2A:58-10 et seq.). The Superior Court or any municipal
40 court where the violation was detected shall have jurisdiction to
41 hear any action brought pursuant to this subsection. Penalties
42 imposed pursuant to this subsection shall be in addition to those
43 otherwise imposed according to law. All penalties collected
44 pursuant to the provisions of this subsection shall be forwarded as
45 provided in R.S.39:5-40 and subsection b. of R.S.39:5-41.]¹

46 g. (1) A transportation network company shall prohibit, after
47 providing the driver with notice and an opportunity to respond, a

1 driver from utilizing the transportation network company's digital
2 network as a driver or from providing a prearranged ride if the
3 transportation network company determines that on three or more
4 separate days a driver has failed to display:

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

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

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

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

16 (a) violates the provisions of paragraph (1) of subsection b. of
17 this section;

18 (b) violates the provisions of paragraph (1) of subsection c. of
19 this section;

20 (c) violates the provisions of paragraph (1) of subsection d. of
21 this section; or

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

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

30 (cf: P.L.2017, c.26, s.23)

31

32 3. (New section) a. The Chief Administrator of the New Jersey
33 Motor Vehicle Commission shall ¹**[create]** design¹ a uniform
34 credential placard template¹ to be issued by a transportation network
35 company, pursuant to subsection d. of section 23 of P.L.2017, c.26
36 (C.39:5H-23), to every transportation network company driver that
37 provides prearranged rides that originate in the State. The credential
38 placard template¹, which may be removable, shall ¹be designed to¹
39 include the following information:

40 (1) the first name of the driver;

41 (2) a high resolution, color picture of the driver;

42 (3) the license plate number of each personal vehicle associated
43 with the driver and the state that issued the license plate.

44 ¹The commission shall not be required to provide a digitized
45 picture of the driver to the transportation network company or driver
46 for purposes of this section.¹

1 b. Notwithstanding the provisions of the “Administrative
2 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), within six
3 months of the effective date of P.L. , c. (C.) (pending before the
4 Legislature as this bill), the chief administrator shall adopt,
5 immediately upon filing proper notice with the Office of
6 Administrative Law, such temporary rules and regulations necessary to
7 effectuate the purposes of this act. The rules and regulations so
8 adopted shall be effective for a period not to exceed one year from the
9 date of the filing. The rules and regulations shall thereafter be
10 amended, adopted, or readopted by the chief administrator in
11 accordance with the requirements of the “Administrative Procedure
12 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

13

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

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

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

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

23

24

25

26

27 “Sami’s Law”; requires transportation network companies to
28 issue, and drivers to display on vehicles, certain transportation
29 network company identification.

ASSEMBLY, No. 5321

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 13, 2019

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Requires transportation network companies to issue, and drivers to display, certain identification on vehicles used to provide transportation network company services.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/14/2019)

1 AN ACT concerning transportation network companies and
2 amending and supplementing 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 23 of P.L.2017, c.26 (C.39:5H-23) is amended to
8 read as follows:

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

21 b. (1) A transportation network company shall create an
22 identifying marker which shall be submitted to the commission for
23 recording~~[,] and~~ issued to every transportation network company
24 driver~~[, and displayed]~~ that utilizes the transportation network
25 company's digital network as a driver. The identifying markers
26 shall be reflective, capable of being illuminated, or both.

27 (2) Every transportation network company driver shall display
28 the identifying markers issued pursuant to this subsection on the
29 driver and passenger side rear windows of the driver's personal
30 vehicle [when] while the driver [logs] is logged on to the
31 transportation network company's digital network as a driver or
32 [provides] is providing a prearranged ride. If the identifying
33 markers issued by a transportation network company are capable of
34 being illuminated, the driver shall have the identifying markers
35 illuminated and visible from outside of the vehicle while a driver is
36 logged on to the transportation network company's digital network
37 as a driver during times of darkness or is providing a prearranged
38 ride during times of darkness.

39 c. (1) A transportation network company shall issue two
40 credential placards, in accordance with section 2 of P.L. _____,
41 c. (C.) (pending before the Legislature as this bill), to every
42 transportation network company driver that utilizes the
43 transportation network company's digital network as a driver.

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

6 d. (1) A transportation network company may issue to
7 every driver that utilizes the transportation network company's
8 digital network as a driver a two-dimensional barcode that is unique
9 to that driver and to that driver's personal vehicle that is to be used
10 to provide prearranged rides and which may be scanned by a rider
11 to confirm the identity of the driver of a prearranged ride and the
12 personal vehicle that is to be used to provide the prearranged ride.
13 A transportation network company shall provide to every driver that
14 utilizes its digital network as a driver two copies of the two-
15 dimensional barcode.

16 (2) A driver issued a two-dimensional barcode by a
17 transportation network company shall display the barcode on the
18 driver and passenger side rear windows of the driver's personal
19 vehicle at all times while the driver is logged on to the
20 transportation network company's digital network as a driver or is
21 providing a prearranged ride.

22 (3) A two-dimensional barcode, when scanned by a rider from
23 outside the driver's personal vehicle, shall confirm the identity of
24 the driver and the driver's personal vehicle.

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

28 e. A driver shall return the identifying markers issued pursuant
29 to subsection b. of this section; the credential placards issued
30 pursuant to subsection c. of this section; and the barcodes, if
31 applicable, issued pursuant to subsection d. of this section to the
32 transportation network company within 30 days of the date that the
33 driver last provided a prearranged ride using the transportation
34 network company's digital network.

35 A transportation network company shall notify a driver of the
36 requirement to return the identifying markers, credential placards,
37 and, if applicable, barcodes, and the time frame in which the driver
38 is to return them within 15 days after the date that the driver last
39 provided a prearranged ride using the transportation network
40 company's digital network.

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

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

46 (2) credential placards as required pursuant to the provisions of
47 paragraph (2) of subsection c. of this section; or

1 (3) barcodes, if applicable, pursuant to the provisions of
2 paragraph (2) of subsection d. of this section.

3 All penalties collected under this subsection shall be brought,
4 and the penalty shall be collected, in a summary proceeding
5 pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999,
6 c.274 (C.2A:58-10 et seq.). The Superior Court or any municipal
7 court where the violation was detected shall have jurisdiction to
8 hear any action brought pursuant to this subsection. Penalties
9 imposed pursuant to this subsection shall be in addition to those
10 otherwise imposed according to law. All penalties collected
11 pursuant to the provisions of this subsection shall be forwarded as
12 provided in R.S.39:5-40 and subsection b. of R.S.39:5-41.

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

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

21 (b) credential placards as required pursuant to paragraph (2) of
22 subsection c. of this section; or

23 (c) barcodes, if applicable, pursuant to the provisions of
24 paragraph (2) of subsection d. of this section.

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

29 (a) violates the provisions of paragraph (1) of subsection b. of
30 this section;

31 (b) violates the provisions of paragraph (1) of subsection c. of
32 this section; or

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

38 (cf: P.L.2017, c.26, s.23)

39

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

47 (1) the name of the driver;

48 (2) a high resolution, color picture of the driver;

1 (3) the license plate number of each personal vehicle associated
2 with the driver and the state that issued the license plate.

3 b. Notwithstanding the provisions of the “Administrative
4 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), within six
5 months of the effective date of P.L. , c. (C.) (pending before
6 the Legislature as this bill), the chief administrator shall adopt,
7 immediately upon filing proper notice with the Office of
8 Administrative Law, such temporary rules and regulations
9 necessary to effectuate the purposes of this act. The rules and
10 regulations so adopted shall be effective for a period not to exceed
11 one year from the date of the filing. The rules and regulations shall
12 thereafter be amended, adopted, or readopted by the chief
13 administrator in accordance with the requirements of the
14 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
15 seq.).
16

17 3. This act shall take effect on the first day of the third month
18 following enactment.
19
20

21 STATEMENT
22

23 This bill requires identifying markers issued by a transportation
24 network company (company) to each transportation network
25 company driver (driver) to be reflective, capable of being
26 illuminated, or both. The bill requires a driver to display the
27 identifying markers on the driver and passenger side rear windows
28 of the driver’s personal vehicle while the driver is logged on to the
29 company’s digital network as a driver or is providing a prearranged
30 ride. The bill requires that if the identifying markers are capable of
31 being illuminated, the driver is to have the identifying markers
32 illuminated and visible from outside of the vehicle while the driver
33 is logged on to the company’s digital network as a driver during
34 times of darkness, or is providing a prearranged ride during times of
35 darkness.

36 The bill allows a company to provide to every driver two copies
37 of a two-dimensional barcode that is unique to that driver and to
38 that driver’s personal vehicle and which may be scanned by a
39 transportation network company rider (rider) to confirm the identity
40 of the driver of a prearranged ride and the personal vehicle that is to
41 be used to provide the prearranged ride. If a company issues a
42 barcode to a driver, the driver is required to display the barcode on
43 the driver and passenger side rear windows of the driver’s personal
44 vehicle at all times while the driver is logged on to the company’s
45 digital network as a driver or is providing a prearranged ride.
46 Under the bill, a barcode, when scanned by a rider from outside the
47 driver’s personal vehicle is to confirm the identity of the driver and
48 the driver’s personal vehicle.

1 The bill requires the New Jersey Motor Vehicle Commission
2 (MVC) to create a uniform credential placard to be issued by a
3 company to each driver. The credential placard, which may be
4 removable, is required to include: (1) the name of the driver; (2) a
5 high resolution, color picture of the driver; and (3) the license plate
6 number of each personal vehicle associated with the driver and the
7 state that issued the license plate.

8 The bill requires a company to provide two credential placards to
9 every driver that utilizes its digital network. The bill requires a
10 driver to display the credential placard on the driver and passenger
11 side rear windows of the driver's personal vehicle while the driver
12 is logged on to the company's digital network as a driver or is
13 providing a prearranged ride.

14 The bill requires a driver to return the identifying markers,
15 credential placards, and, if applicable, barcodes to the company
16 within 30 days of the date that the driver last provided a
17 prearranged ride using the company's digital network. Under the
18 bill, a company is required to notify a driver of the requirement to
19 return these items and the time frame in which to do so within 15
20 days after the date that the driver last provided a prearranged ride
21 using the company's digital network.

22 A driver is subject to a penalty of \$250 if the driver fails to
23 display the identifying marker, credential placards, or, if applicable,
24 barcodes, or if the driver does not illuminate the identifying
25 markers during times of darkness if they are capable of being
26 illuminated. A company is to prohibit, after notice and an
27 opportunity to respond, a driver from utilizing the company's
28 digital network as a driver or from providing a prearranged ride if
29 the company determines that on three or more separate days a driver
30 has failed to display the identifying markers, credential placards, or,
31 if applicable, barcodes when required to do so.

32 The MVC is to revoke a company's permit to operate in the State
33 if the company does not issue identifying markers or credential
34 placards, or if the company fails to prohibit a driver from utilizing
35 the company's digital network as a driver or providing a
36 prearranged ride when the company determines that on three or
37 more separate days the driver failed to display these items.

38 This bill is introduced in honor of Samantha Josephson (Sami), a
39 lifelong resident of Robbinsville, New Jersey who was tragically
40 killed after entering a vehicle she mistakenly thought was standing
41 by to provide a prearranged ride she requested through a company's
42 digital network. This tragic loss has revealed and highlighted the
43 need to better identify drivers and their vehicles. By introducing
44 this legislation, the sponsor intends to honor Sami and to ensure the
45 safety of riders. This legislation in conjunction with the efforts of
46 Sami's parents to educate riders of the importance of transportation
47 network company safety will help protect riders that use these
48 services.

ASSEMBLY TRANSPORTATION AND INDEPENDENT
AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 5321

STATE OF NEW JERSEY

DATED: MAY 16, 2019

The Assembly Transportation and Independent Authorities Committee reports favorably Assembly Committee Substitute for Assembly Bill No. 5321.

As substituted and reported by the committee, this substitute requires identifying markers issued by a transportation network company (company) to each transportation network company driver (driver) to be reflective, capable of being illuminated, or both. The substitute requires a driver to display the identifying markers on the front windshield and rear window of the driver's personal vehicle while the driver is logged on to the company's digital network as a driver or is providing a prearranged ride. The substitute requires that if the identifying markers are capable of being illuminated, the driver is to have the identifying markers illuminated and visible from outside of the vehicle while the driver is logged on to the company's digital network as a driver during times of darkness, or is providing a prearranged ride during times of darkness.

The substitute requires a company or third party designated by the company to create and the company to provide to every driver two copies of a two-dimensional barcode or other machine-readable code or image that is unique to that driver and to that driver's personal vehicle and which may be scanned by a transportation network company rider (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 driver is required to display the 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 company's digital network as a driver or is providing a prearranged ride.

The substitute requires the New Jersey Motor Vehicle Commission (MVC) to create a uniform credential placard to be issued by a company to each driver. The credential placard, which may be removable, is required to include: (1) the first name of the driver; (2) a high resolution, color picture of the driver; and (3) the license plate number of each personal vehicle associated with the driver and the state that issued the license plate.

The substitute requires a company or third party designated by the company to produce and the company to provide two credential placards to every driver that utilizes its digital network. The substitute requires a driver to 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 company's digital network as a driver or is providing a prearranged ride.

The substitute requires a driver to return the identifying markers, credential placards, and barcodes or other machine-readable codes or images to the company within 30 days of the date that the driver notifies the company that the driver is terminating status as a driver and will not provide prearranged rides using the company's digital network. Under the substitute, a company is required to notify a driver of the requirement to return these items and the time frame in which to do so within 15 days after the date that the driver notifies the company that the driver is terminating status as a driver and will not provide prearranged rides using the company's digital network.

A driver is subject to a penalty of \$250 if the driver fails to display the identifying markers, credential placards, or barcodes or other machine-readable codes or images, or if the driver does not illuminate the identifying markers during times of darkness if they are capable of being illuminated. A company is to prohibit, after notice and an opportunity to respond, a driver from utilizing the company's digital network as a driver or from providing a prearranged ride if the company determines that on three or more separate days a driver has failed to display the identifying markers, credential placards, or barcodes or other machine readable codes or images when required to do so.

The MVC is required to suspend or revoke a company's permit to operate in the State if the company does not issue identifying markers credential placards, or barcodes or other machine-readable codes or images, or if the company fails to prohibit a driver from utilizing the company's digital network as a driver or providing a prearranged ride when the company determines that on three or more separate days the driver failed to display these items.

STATEMENT TO

**ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 5321**

with Senate Floor Amendments
(Proposed by Senator DIEGNAN)

ADOPTED: MAY 30, 2019

These floor amendments clarify that the \$250 penalty applicable to certain drivers is a \$250 fine and remove a provision of the bill that provides that the \$250 fine is to be collected under the provisions of the “Penalty Enforcement Law of 1999.” The amendments make changes to clarify that the commission is to design, rather than create, the credential placard and that the commission is not required to provide a digitized picture of the driver to the transportation network company or the driver.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 5321
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: MAY 29, 2019

SUMMARY

- Synopsis:** “Sami’s Law”; requires transportation network companies to issue, and drivers to display on vehicles, certain transportation network company identification.
- Type of Impact:** One-time and annual State expenditure increases; annual State and local revenue increases.
- Agencies Affected:** New Jersey Motor Vehicle Commission; the Treasury; local governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	
State Revenue Increase		Indeterminate	
Local Revenue Increase		Indeterminate	

- The Office of Legislative Services (OLS) estimates that this bill will result in an indeterminate one-time increase in State expenditures to design and create a uniform credential placard that a transportation network company will issue to each of the company’s drivers. The State may also realize an increase in annual administrative costs to the New Jersey Motor Vehicle Commission (MVC) to enforce the suspension or revocation of a transportation network company’s permit if the company fails to comply with certain provisions of the bill.
- The State, counties, and municipalities may realize increased revenue from the \$250 penalty imposed on drivers who fail to display the required identifying markers, barcodes, or placards depending on which law enforcement agency issues the summons.

BILL DESCRIPTION

The bill requires a driver of a transportation network company to display identifying markers on the front windshield and rear window of the driver’s personal vehicle while the driver is logged on to the company’s digital network as a driver or is providing a prearranged ride. The driver is to have the identifying markers illuminated and visible from outside of

the vehicle while the driver is logged on to the company's digital network as a driver during times of darkness, or is providing a prearranged ride during times of darkness.

The bill requires a company or third party designated by the company to create and the company to provide to every driver two copies of a two-dimensional barcode or other machine-readable code or image that is unique to that driver and to that driver's personal vehicle and which may be scanned by a transportation network company 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 driver is required to display the 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 company's digital network as a driver or is providing a prearranged ride.

The bill requires the MVC to create a uniform credential placard to be issued by a company to each driver. The credential placard, which may be removable, is required to include: (1) the first name of the driver; (2) a high resolution, color picture of the driver; and (3) the license plate number of each personal vehicle associated with the driver and the state that issued the license plate.

The bill requires a company or third party designated by the company to produce and the company to provide two credential placards to every driver that utilizes its digital network. The bill requires a driver to 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 company's digital network as a driver or is providing a prearranged ride.

The bill requires a driver to return the identifying markers, credential placards, and barcodes or other machine-readable codes or images to the company within 30 days of the date that the driver notifies the company that the driver is terminating status as a driver and will not provide prearranged rides using the company's digital network. Under the bill, a company is required to notify a driver of the requirement to return these items and the time frame in which to do so within 15 days after the date that the driver notifies the company that the driver is terminating status as a driver and will not provide prearranged rides using the company's digital network.

A driver is subject to a penalty of \$250 if the driver fails to display the identifying markers, credential placards, or, barcodes or other machine-readable codes or images, or if the driver does not illuminate the identifying markers during times of darkness if they are capable of being illuminated. A company is to prohibit, after notice and an opportunity to respond, a driver from utilizing the company's digital network as a driver or from providing a prearranged ride if the company determines that on three or more separate days a driver has failed to display the identifying markers, credential placards, or barcodes or other machine readable codes or images when required to do so.

The MVC is required to suspend or revoke a company's permit to operate in the State if the company does not issue identifying markers credential placards, or barcodes or other machine-readable codes or images, or if the company fails to prohibit a driver from utilizing the company's digital network as a driver or providing a prearranged ride when the company determines that on three or more separate days the driver failed to display these items.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the bill will likely result in an indeterminate increase in State expenditure in the first year of the bill's effective date. The MVC is required to create a uniform credential placard to be issued by a transportation network company to each of its drivers that provide prearranged rides that originate in New Jersey. The MVC may incur certain one-time costs to design and create the credential placard template, but it is not known how many resources and personnel will be required.

The bill may also result in an indeterminate increase in annual State expenditures if the MVC suspends or revokes a transportation network company's permit to operate in New Jersey. Under the bill, the MVC is required to suspend or revoke a company's permit to operate in the State if the company fails to issue identifying markers, barcodes or other machine-readable codes or images, or credential placards, or fails to prohibit a driver from utilizing the company's digital network as a driver or providing a prearranged ride when the company determines that on three or more separate days the driver failed to display these items. It is not known how many companies, if any, will violate these provisions of the bill. Therefore, it is not known how many resources the MVC will need to dedicate to the suspension or revocation of a company's permit to operate in the State.

The State, counties, and municipalities may realize increased revenue from the imposition of a \$250 penalty for drivers that fail to display identifying markers, barcodes or other machine-readable codes or images, or credential placards, or if the driver does not illuminate the identifying markers during times of darkness if they are capable of being illuminated. The amount of revenue depends upon whether and how many drivers fail to display the required items, which cannot be determined at this time. Pursuant to N.J.S.A.39:5-41, a fine, penalty, or forfeiture imposed and collected under Title 39 of the Revised Statutes are forwarded to the State treasurer, to the municipality wherein the violation occurred and the county wherein the fine, penalty, or forfeiture was collected, or to the financial officer designated by the governing body of a county, depending upon whether the summons was issued by a State law enforcement officer or local law enforcement officer and whether the summons was issued by a county police officer or county park police officer in a county which has a central municipal court.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Lauren M. Stutz
Senior Counsel*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 5321

STATE OF NEW JERSEY

218th LEGISLATURE

DATED: JUNE 10, 2019

SUMMARY

- Synopsis:** “Sami’s Law”; requires transportation network companies to issue, and drivers to display on vehicles, certain transportation network company identification.
- Type of Impact:** One-time and annual State expenditure increases; annual State and local revenue increases.
- Agencies Affected:** New Jersey Motor Vehicle Commission; the Treasury; local governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	
State Revenue Increase		Indeterminate	
Local Revenue Increase		Indeterminate	

- The Office of Legislative Services (OLS) estimates that this bill will result in an indeterminate one-time increase in State expenditures to design a uniform credential placard template that a transportation network company will issue to each of the company’s drivers. The State may also realize an increase in annual administrative costs to the New Jersey Motor Vehicle Commission (MVC) to enforce the suspension or revocation of a transportation network company’s permit if the company fails to comply with certain provisions of the bill.
- The State, counties, and municipalities may realize increased revenue from the \$250 fine imposed on drivers who fail to display the required identifying markers, barcodes, or placards depending on which law enforcement agency issues the summons.

BILL DESCRIPTION

The bill requires a driver of a transportation network company to display identifying markers on the front windshield and rear window of the driver's personal vehicle while the driver is logged on to the company's digital network as a driver or is providing a prearranged ride. The driver is to have the identifying markers illuminated and visible from outside of the vehicle while the driver is logged on to the company's digital network as a driver during times of darkness, or is providing a prearranged ride during times of darkness.

The bill requires a company or third party designated by the company to create and the company to provide to every driver two copies of a two-dimensional barcode or other machine-readable code or image that is unique to that driver and to that driver's personal vehicle and which may be scanned by a transportation network company 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 driver is required to display the 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 company's digital network as a driver or is providing a prearranged ride.

The bill requires the MVC to design a uniform credential placard template to be issued by a company to each driver. The credential placard, which may be removable, is required to include: (1) the first name of the driver; (2) a high resolution, color picture of the driver; and (3) the license plate number of each personal vehicle associated with the driver and the state that issued the license plate.

The bill requires a company or third party designated by the company to produce and the company to provide two credential placards to every driver that utilizes its digital network. The bill requires a driver to 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 company's digital network as a driver or is providing a prearranged ride.

The bill requires a driver to return the identifying markers, credential placards, and barcodes or other machine-readable codes or images to the company within 30 days of the date that the driver notifies the company that the driver is terminating status as a driver and will not provide prearranged rides using the company's digital network. Under the bill, a company is required to notify a driver of the requirement to return these items and the time frame in which to do so within 15 days after the date that the driver notifies the company that the driver is terminating status as a driver and will not provide prearranged rides using the company's digital network.

A driver is subject to a fine of \$250 if the driver fails to display the identifying markers, credential placards, or, barcodes or other machine-readable codes or images, or if the driver does not illuminate the identifying markers during times of darkness if they are capable of being illuminated. A company is to prohibit, after notice and an opportunity to respond, a driver from utilizing the company's digital network as a driver or from providing a prearranged ride if the company determines that on three or more separate days a driver has failed to display the identifying markers, credential placards, or barcodes or other machine-readable codes or images when required to do so.

The MVC is required to suspend or revoke a company's permit to operate in the State if the company does not issue identifying markers credential placards, or barcodes or other machine-readable codes or images, or if the company fails to prohibit a driver from utilizing the company's digital network as a driver or providing a prearranged ride when the company determines that on three or more separate days the driver failed to display these items.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the bill will likely result in an indeterminate increase in State expenditure in the first year of the bill's effective date. The MVC is required to design a uniform credential placard to be issued by a transportation network company to each of its drivers that provide prearranged rides that originate in New Jersey. The MVC may incur certain one-time costs to design the credential placard template, but it is not known how many resources and personnel will be required.

The bill may also result in an indeterminate increase in annual State expenditures if the MVC suspends or revokes a transportation network company's permit to operate in New Jersey. Under the bill, the MVC is required to suspend or revoke a company's permit to operate in the State if the company fails to issue identifying markers, barcodes or other machine-readable codes or images, or credential placards, or fails to prohibit a driver from utilizing the company's digital network as a driver or providing a prearranged ride when the company determines that on three or more separate days the driver failed to display these items. It is not known how many companies, if any, will violate these provisions of the bill. Therefore, it is not known how many resources the MVC will need to dedicate to the suspension or revocation of a company's permit to operate in the State.

The State, counties, and municipalities may realize increased revenue from the imposition of a \$250 penalty for drivers that fail to display identifying markers, barcodes or other machine-readable codes or images, or credential placards, or if the driver does not illuminate the identifying markers during times of darkness if they are capable of being illuminated. The amount of revenue depends upon whether and how many drivers fail to display the required items, which cannot be determined at this time. A fine, penalty, or forfeiture imposed and collected under Title 39 of the Revised Statutes are forwarded to the State treasurer, to the municipality wherein the violation occurred and the county wherein the fine, penalty, or forfeiture was collected, or to the financial officer designated by the governing body of a county, depending upon whether the summons was issued by a State law enforcement officer or local law enforcement officer and whether the summons was issued by a county police officer or county park police officer in a county which has a central municipal court.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Patrick Brennan
Principal Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 3687

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 16, 2019

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Co-Sponsored by:

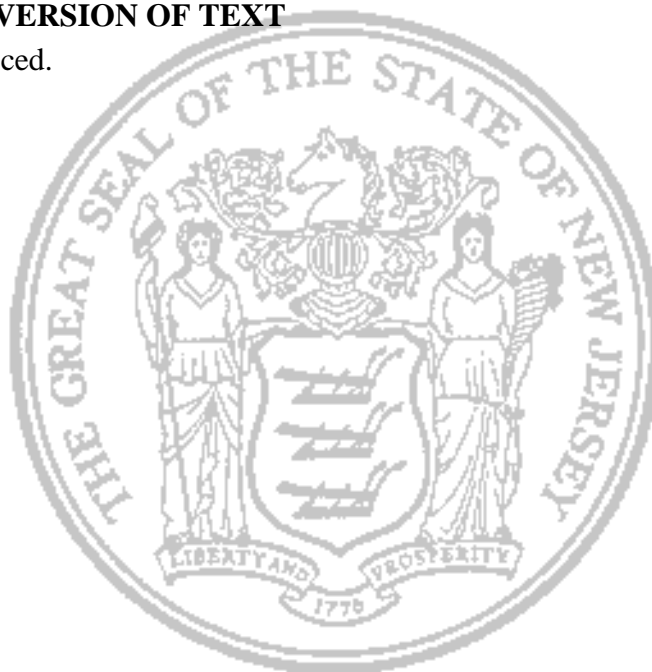
Senators Singer, Bateman and Corrado

SYNOPSIS

“Sami’s Law”; requires transportation network companies to issue, and drivers to display on vehicles, certain transportation network company identification.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/31/2019)

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

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

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

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

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

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

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

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

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

24 “Machine-readable code or image” means an optical label that
25 can be scanned using a special scanner or a personal mobile device
26 with a built-in camera.

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

39 "Prearranged ride" means the provision of transportation by a
40 transportation network company driver to a transportation network
41 company rider, beginning when a driver accepts a ride requested by
42 a rider through a digital network controlled by a transportation
43 network company, continuing while the driver transports a
44 requesting rider, and ending when the last requesting rider departs
45 from the personal vehicle. A prearranged ride shall not include

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 transportation provided using an autocab, taxi, limousine, autobus,
2 jitney, motor bus, or other for-hire vehicle. A prearranged ride
3 shall not include ridesharing, as defined in R.S.39:1-1.

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

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

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

30 (cf: P.L.2017, c.26, s.2)

31

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

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

46 b. (1) A transportation network company shall create an
47 identifying marker which shall be submitted to the commission for
48 recording[, issued] and the transportation network company shall

1 issue two identifying markers to every transportation network
2 company driver[, and displayed] that utilizes the transportation
3 network company's digital network as a driver. The identifying
4 markers shall be reflective, capable of being illuminated, or both.

5 (2) Every transportation network company driver shall display
6 the identifying markers issued pursuant to this subsection on the
7 front windshield and rear window of the driver's personal vehicle
8 【when】 while the driver 【logs】 is logged on to the transportation
9 network company's digital network as a driver or 【provides】 is
10 providing a prearranged ride. If the identifying markers issued by a
11 transportation network company are capable of being illuminated,
12 the driver shall have the identifying markers illuminated and visible
13 from outside of the vehicle while the driver is logged on to the
14 transportation network company's digital network as a driver during
15 times of darkness or is providing a prearranged ride during times of
16 darkness.

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

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

36 d. (1) A transportation network company, or a third party
37 designated by the transportation network company, shall produce
38 and the transportation network company shall issue, two credential
39 placards, in accordance with section 3 of P.L. _____, c. _____ (C. _____)
40 (pending before the Legislature as this bill), to every transportation
41 network company driver that utilizes the transportation network
42 company's digital network as a driver.

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

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

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

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

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

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

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

28 All penalties collected under this subsection shall be brought,
29 and the penalty shall be collected, in a summary proceeding
30 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
31 c.274 (C.2A:58-10 et seq.). The Superior Court or any municipal
32 court where the violation was detected shall have jurisdiction to
33 hear any action brought pursuant to this subsection. Penalties
34 imposed pursuant to this subsection shall be in addition to those
35 otherwise imposed according to law. All penalties collected
36 pursuant to the provisions of this subsection shall be forwarded as
37 provided in R.S.39:5-40 and subsection b. of R.S.39:5-41.

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

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

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

48 or

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

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

7 (a) violates the provisions of paragraph (1) of subsection b. of
8 this section;

9 (b) violates the provisions of paragraph (1) of subsection c. of
10 this section;

11 (c) violates the provisions of paragraph (1) of subsection d. of
12 this section; or

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

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

21 (cf: P.L.2017, c.26, s.23)

22

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

30 (1) the first name of the driver;

31 (2) a high resolution, color picture of the driver;

32 (3) the license plate number of each personal vehicle associated
33 with the driver and the state that issued the license plate.

34 b. Notwithstanding the provisions of the "Administrative
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), within six
36 months of the effective date of P.L. , c. (C.) (pending before
37 the Legislature as this bill), the chief administrator shall adopt,
38 immediately upon filing proper notice with the Office of
39 Administrative Law, such temporary rules and regulations
40 necessary to effectuate the purposes of this act. The rules and
41 regulations so adopted shall be effective for a period not to exceed
42 one year from the date of the filing. The rules and regulations shall
43 thereafter be amended, adopted, or readopted by the chief
44 administrator in accordance with the requirements of the
45 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
46 seq.).

47

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

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

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

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

9
10

11 STATEMENT

12

13 This bill requires identifying markers issued by a transportation
14 network company (company) to each transportation network
15 company driver (driver) to be reflective, capable of being
16 illuminated, or both. The bill requires a driver to display the
17 identifying markers on the front windshield and rear window of the
18 driver's personal vehicle while the driver is logged on to the
19 company's digital network as a driver or is providing a prearranged
20 ride. The bill requires that if the identifying markers are capable of
21 being illuminated, the driver is to have the identifying markers
22 illuminated and visible from outside of the vehicle while the driver
23 is logged on to the company's digital network as a driver during
24 times of darkness, or is providing a prearranged ride during times of
25 darkness.

26 The bill requires a company or third party designated by the
27 company to create and the company to provide to every driver two
28 copies of a two-dimensional barcode or other machine-readable
29 code or image that is unique to that driver and to that driver's
30 personal vehicle and which may be scanned by a transportation
31 network company rider (rider) to confirm the identity of the driver
32 of a prearranged ride and the personal vehicle that is to be used to
33 provide the prearranged ride. A driver is required to display the
34 barcodes or other machine-readable codes or images on the driver
35 and passenger side rear windows of the driver's personal vehicle at
36 all times while the driver is logged on to the company's digital
37 network as a driver or is providing a prearranged ride.

38 The bill requires the New Jersey Motor Vehicle Commission
39 (MVC) to create a uniform credential placard to be issued by a
40 company to each driver. The credential placard, which may be
41 removable, is required to include: (1) the first name of the driver;
42 (2) a high resolution, color picture of the driver; and (3) the
43 license plate number of each personal vehicle associated with the
44 driver and the state that issued the license plate.

45 The bill requires a company or third party designated by the
46 company to produce and the company to provide two credential
47 placards to every driver that utilizes its digital network. The bill
48 requires a driver to display the credential placards on the driver and

1 passenger side rear windows of the driver's personal vehicle at all
2 times while the driver is logged on to the company's digital network
3 as a driver or is providing a prearranged ride.

4 The bill requires a driver to return the identifying markers,
5 credential placards, and barcodes or other machine-readable codes
6 or images to the company within 30 days of the date that the driver
7 notifies the company that the driver is terminating status as a driver
8 and will not provide prearranged rides using the company's digital
9 network. Under the bill, a company is required to notify a driver of
10 the requirement to return these items and the time frame in which to
11 do so within 15 days after the date that the driver notifies the
12 company that the driver is terminating status as a driver and will not
13 provide prearranged rides using the company's digital network.

14 A driver is subject to a penalty of \$250 if the driver fails to
15 display the identifying markers, credential placards, or, barcodes or
16 other machine-readable codes or images, or if the driver does not
17 illuminate the identifying markers during times of darkness if they
18 are capable of being illuminated. A company is to prohibit, after
19 notice and an opportunity to respond, a driver from utilizing the
20 company's digital network as a driver or from providing a
21 prearranged ride if the company determines that on three or more
22 separate days a driver has failed to display the identifying markers,
23 credential placards, or barcodes or other machine readable codes or
24 images when required to do so.

25 The MVC is required to suspend or revoke a company's permit
26 to operate in the State if the company does not issue identifying
27 markers credential placards, or barcodes or other machine-readable
28 codes or images, or if the company fails to prohibit a driver from
29 utilizing the company's digital network as a driver or providing a
30 prearranged ride when the company determines that on three or
31 more separate days the driver failed to display these items.

32 This bill is designated as "Sami's Law" in honor of Samantha
33 Josephson (Sami), a lifelong resident of Robbinsville, New Jersey
34 who was tragically killed after entering a vehicle she mistakenly
35 thought was standing by to provide a prearranged ride she requested
36 through a company's digital network. This tragic loss has revealed
37 and highlighted the need to better identify drivers and their
38 vehicles. By introducing this legislation, the sponsor intends to
39 honor Sami and to ensure the safety of riders. This legislation in
40 conjunction with the efforts of Sami's parents to educate riders of
41 the importance of transportation network company safety will help
42 protect riders that use these services.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 3687

STATE OF NEW JERSEY

DATED: MAY 16, 2019

The Senate Transportation Committee reports favorably Senate Bill No. 3687.

As reported, this bill requires identifying markers issued by a transportation network company (company) to each transportation network company driver (driver) to be reflective, capable of being illuminated, or both. The bill requires a driver to display the identifying markers on the front windshield and rear window of the driver's personal vehicle while the driver is logged on to the company's digital network as a driver or is providing a prearranged ride. The bill requires that if the identifying markers are capable of being illuminated, the driver is to have the identifying markers illuminated and visible from outside of the vehicle while the driver is logged on to the company's digital network as a driver during times of darkness, or is providing a prearranged ride during times of darkness.

The bill requires a company or third party designated by the company to create and the company to provide to every driver two copies of a two-dimensional barcode or other machine-readable code or image that is unique to that driver and to that driver's personal vehicle and which may be scanned by a transportation network company rider (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 driver is required to display the 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 company's digital network as a driver or is providing a prearranged ride.

The bill requires the New Jersey Motor Vehicle Commission (MVC) to create a uniform credential placard to be issued by a company to each driver. The credential placard, which may be removable, is required to include: (1) the first name of the driver; (2) a high resolution, color picture of the driver; and (3) the license plate number of each personal vehicle associated with the driver and the state that issued the license plate.

The bill requires a company or third party designated by the company to produce and the company to provide two credential placards to every driver that utilizes its digital network. The bill requires a driver to 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 company's digital network as a driver or is providing a prearranged ride.

The bill requires a driver to return the identifying markers, credential placards, and barcodes or other machine-readable codes or images to the company within 30 days of the date that the driver notifies the company that the driver is terminating status as a driver and will not provide prearranged rides using the company's digital network. Under the bill, a company is required to notify a driver of the requirement to return these items and the time frame in which to do so within 15 days after the date that the driver notifies the company that the driver is terminating status as a driver and will not provide prearranged rides using the company's digital network.

A driver is subject to a penalty of \$250 if the driver fails to display the identifying markers, credential placards, or, barcodes or other machine-readable codes or images, or if the driver does not illuminate the identifying markers during times of darkness if they are capable of being illuminated. A company is to prohibit, after notice and an opportunity to respond, a driver from utilizing the company's digital network as a driver or from providing a prearranged ride if the company determines that on three or more separate days a driver has failed to display the identifying markers, credential placards, or barcodes or other machine readable codes or images when required to do so.

The MVC is required to suspend or revoke a company's permit to operate in the State if the company does not issue identifying markers credential placards, or barcodes or other machine-readable codes or images, or if the company fails to prohibit a driver from utilizing the company's digital network as a driver or providing a prearranged ride when the company determines that on three or more separate days the driver failed to display these items.

Governor Murphy Signs "Sami's Law" to Enhance Protections for Rideshare Passengers

06/20/2019

ROBBINSVILLE – Governor Phil Murphy today signed legislation to enhance safety for rideshare passengers by requiring additional identification for drivers. The bill's passage and signing follows the tragic death of Samantha "Sami" Josephson, a Robbinsville resident and student at the University of South Carolina, who mistakenly entered a car she thought was her rideshare.

"Every day, thousands of rideshare passengers entrust drivers to get them to and from home, school, and work safely and without delay," **said Governor Murphy**. "Just one unscrupulous mind seeking to take advantage of those passengers is one too many, and it is our responsibility to keep riders safe. Today, I am proud to stand beside the Josephson family and legislative sponsors to enhance protections for New Jersey's rideshare passengers, and ensure that Samantha Josephson's tragic death is not in vain."

"This is a bitter-sweet day for the Josephsons. We want to thank the Assembly and Senate for unanimously passing Sami's Law," **said Marci, Seymour, and Sydney Josephson**. "We appreciate Governor Murphy accommodating us by signing the bill in Robbinsville, Samantha's hometown. We are proud that New Jersey has taken the lead in making rideshare safer for everyone. We also want to thank our family, friends, and community for supporting us through this tough time."

The legislation signed today requires rideshare companies to issue additional identification materials to drivers to help passengers correctly identify their vehicle. First, rideshare companies must issue two identifying markers to each driver to be displayed on the front windshield and rear window. Second, rideshare companies must create and provide every driver with two copies of a two-dimensional barcode or other machine-readable code that passengers can scan to confirm the identity of the vehicle. Third, rideshare companies shall produce and issue two credential placards to be displayed on the driver and passenger side rear windows that include the driver's name, photo, and license plate number. Drivers who fail to comply with these provisions are subject to a fine of \$250, and rideshare companies that fail to comply with these provisions can have their permit to operate in New Jersey suspended or revoked.

The new requirements take effect nine months following the date of enactment.

"We stand with the Josephsons through their unimaginable grief over the loss of Samantha in this tragedy," **said Motor Vehicle Commission Chair and Chief Administrator B. Sue Fulton**. "The New Jersey Motor Vehicle Commission will do everything in our power to make this law as effective as it can be so that no other such terrible tragedy can happen in the future."

A similar piece of legislation, also named "Sami's Law," was recently introduced at the federal level cosponsored by Senators Robert Menendez and Cory Booker in the U.S. Senate, and led by Representative Chris Smith in the U.S. House of Representatives.

"As ride-share services grow in popularity, we have a responsibility to address gaps in public safety, and Sami's Law aims to do just that," **said U.S. Senator Bob Menendez**. "No family should have to go through the kind of horrific tragedy experienced by the Josephson family."

It's essential that we take necessary steps to ensure the safety of ride share passengers. Making it easier for riders to identify their vehicles will make it tougher for nefarious actors to pose as a driver. It's important that we're working toward solutions that safeguard ride share users so that no family bears the same pain as the Josephson family," **said U.S Senator Booker**.

"Seymour and Marci Josephson are remarkable, courageous people who have channeled their deep, abiding love for their daughter, Sami, into a national campaign to protect others from predators and murderers who can still pose as fake rideshare drivers with the intent to do harm," **said Rep. Chris Smith who represents Robbinsville, N.J. where the Josephsons live and has authored a federal Sami's Law**. "Today we see their enormous impact here at home, as New Jersey is the first state to pass legislation that mirrors the federal version of Sami's Law. We are grateful to Seymour and Marci and know that with their leadership and tenacity, we will see enactment of a federal Sami's Law so that ride-share customers are *equally* protected in all 50 states."

Sponsors of the state legislation include Senators Patrick Diegnan, Linda Greenstein, and Thomas Kean, and Assemblymembers Daniel Benson, Wayne DeAngelo, Valerie Vainieri Huttler, and Paul Moriarty.

"I have the utmost gratitude to the Josephson family for their strength and courage in promoting this legislation," **said Senator Diegnan**. "It's tragic that we had to lose a young adult with a promising career in order to address the issue of rider safety. Hopefully this law will educate users and prevent future tragedies."

"Sami Josephson's story is a tragedy that could have happened to anyone utilizing popular ridesharing services. It devastated our community and we must do what we can to promote public safety and honor her life," **said Senator Greenstein**. "By placing a greater emphasis on visual safeguards, riders will be able to identify key items to confirm they are entering a credentialed ridesharing vehicle."

"In the wake of tragedy, we have seen our local community come together to support the Josephson family and affect meaningful change. No parent should have to experience the loss of a child, especially due to a lack of common-sense safety measures for rideshare services. With the passage of this legislation, New Jersey leads the nation with stricter regulations for these widely utilized services such as Uber and Lyft," **said Assemblyman Benson**.

"What Seymour and Marci Josephson and their family have endured with the loss of their daughter Sami is a hardship that no family should face," **said Assemblyman DeAngelo**. "No one should ever be concerned for the safety of themselves or their loved ones when using these services. Through this new law, we make sure that as these services continue to develop, we are constantly working together to make sure customers are served safely and responsibly."

"The bottom line is rideshare services must be safe for both the rider and the driver," **said Assemblywoman Vainieri Huttie**. "New Jersey should focus on improving identification tools used by customers to recognize their driver and the vehicle. We have to do more to protect New Jersey residents; this cannot happen here. This new law takes us one step closer to achieving that goal."