

# SENATE, No. 356

## STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

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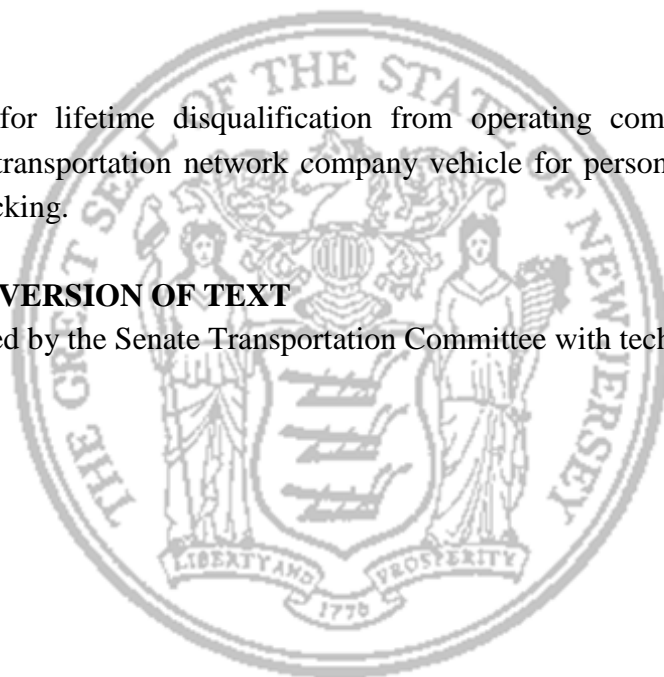
**Senators Corrado, Greenstein, Pou, Assemblymen Simonsen, Space, Wirths, Assemblywoman McKnight, Assemblymen Karabinchak, Stanley, Assemblywomen Piperno, Eulner, Mosquera, Swain, Jasey and Park**

### SYNOPSIS

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

### CURRENT VERSION OF TEXT

As reported by the Senate Transportation Committee with technical review.



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

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

5

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

8

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

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

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

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

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

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

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

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

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

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

**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 this section or any combination of those offenses arising from two  
2 or more separate incidents.

3 d. The chief administrator may issue rules and regulations  
4 establishing guidelines, including conditions under which a  
5 revocation of commercial motor vehicle driving privilege for life  
6 under subsection c. may be reduced to a period of not less than 10  
7 years.

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

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

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

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

42 (2) The chief administrator shall suspend the commercial motor  
43 vehicle driving privilege of a person for a period of not less than 60  
44 days if the person is convicted of a violation of R.S.39:4-128;  
45 section 68 of P.L.1951, c.23 (C.39:4-127.1); or section 10 of  
46 P.L.2005, c.147 (C.39:4-128.11). The chief administrator shall  
47 suspend the commercial motor vehicle driving privilege for not less  
48 than 120 days if the conviction constitutes the second violation of

1 R.S.39:4-128; section 68 of P.L.1951, c.23 (C.39:4-127.1); section  
2 10 of P.L.2005, c.147 (C.39:4-128.11) or any combination of such  
3 violations in this or any other state arising from separate incidents  
4 occurring within a three-year period. The chief administrator shall  
5 suspend the commercial motor vehicle driving privilege for not less  
6 than one year if the conviction constitutes the third or subsequent  
7 violation of R.S.39:4-128; section 68 of P.L.1951, c.23 (C.39:4-  
8 127.1); section 10 of P.L.2005, c.147 (C.39:4-128.11) or any  
9 combination of such violations in this or any other state arising  
10 from separate incidents occurring within the past three years.

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

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

1 s.172, or while operating a vehicle designed to transport 16 or more  
2 passengers, including the driver.

3 g. A court shall make a report to the chief administrator within  
4 three days in such form as the chief administrator may require  
5 concerning conviction for any violation **[of]** or crime listed or  
6 described in P.L.1990, c.103 (C.39:3-10.9 et seq.). The chief  
7 administrator shall notify the Commercial Driver License  
8 Information System of the suspension, revocation, or cancellation.  
9 In the case of non-residents, the chief administrator also shall notify  
10 the licensing authority of the state which issued the commercial  
11 driver license or the state where the person is domiciled. The chief  
12 administrator shall provide these notices within 10 days after the  
13 suspension, revocation, cancellation, or disqualification.

14 h. The chief administrator shall in accordance with this section  
15 suspend a commercial motor vehicle driving privilege of a person  
16 holding, or required to hold, a commercial driver license issued by  
17 this State if the person is convicted in another state or foreign  
18 jurisdiction of an offense of a substantially similar nature to the  
19 offenses specified in subsection a., e., f., g., h., i. or j. of this  
20 section. For purposes of this section, a violation such as driving  
21 while intoxicated, driving under the influence, or driving while  
22 ability is impaired shall be considered substantially similar  
23 offenses. For purposes of this section, a violation committed in  
24 another state but substantially similar to those enumerated in  
25 subsection a., e., f., g., h., i. or j. of this section committed in this  
26 State shall be included.

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

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

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

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

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

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

44 k. The chief administrator shall in accordance with this section  
45 suspend the commercial motor vehicle driving privilege of a person  
46 holding, or required to hold, a commercial driver license issued by  
47 this State if that person has been disqualified from operating a  
48 commercial motor vehicle by the Federal Motor Carrier Safety

1 Administration pursuant to 49 C.F.R. s.383.52 because that person's  
2 driving has been determined to constitute an imminent hazard.

3 1. The New Jersey Motor Vehicle Commission shall maintain  
4 records of accidents, convictions, and disqualification for persons  
5 holding, or required to hold, a commercial driver license in  
6 accordance with 49 C.F.R. s.384.225 and the AAMVAnet, Inc.'s  
7 "Commercial Driver License Information System State Procedures,"  
8 as amended and supplemented.

9 m. Any driver who is found to be in violation of the provisions  
10 of paragraph (a) or (b) of 49 C.F.R. s.392.5, relating to the use of  
11 alcohol, being under the influence of alcohol, having any measured  
12 alcohol concentration or detected presence of alcohol, or possessing  
13 alcohol, shall be placed out-of-service immediately for a period of  
14 24 hours.

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

16

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

19 20. An applicant or driver shall be prohibited from utilizing the  
20 transportation network company's digital network as a  
21 transportation network company driver or from providing a  
22 prearranged ride as a transportation network company driver if:

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

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

39 (2) In any other state, territory, commonwealth, or other  
40 jurisdiction of the United States, as a result of a conviction in a  
41 court of competent jurisdiction, a crime which in that other  
42 jurisdiction is comparable to one of the crimes enumerated in  
43 paragraph (1) of this subsection.

44 If an applicant or driver who has been convicted of one of the  
45 crimes enumerated in paragraph (1) or (2) of this subsection  
46 produces a valid certificate of rehabilitation issued pursuant to  
47 section 2 of P.L.2007, c.327 (C.2A:168A-8) or, if the criminal  
48 offense occurred outside the State, an equivalent certificate from the

1 jurisdiction where the criminal offense occurred, the criminal  
2 offense shall not disqualify the applicant or driver from accessing  
3 the transportation network company's digital network as a  
4 transportation network company driver or from providing  
5 prearranged rides as a transportation network company driver,  
6 except that this provision shall not apply to an applicant or driver  
7 who has been convicted of human trafficking pursuant to section 1  
8 of P.L.2005, c.77 (C.2C:13-8), any crime involving an act or  
9 practice of one or more of the severe forms of trafficking in persons  
10 as described in paragraph (11) of 22 U.S.C. S.7102, the federal  
11 "Trafficking Victims Protection Act of 2000," or a comparable  
12 crime in another jurisdiction. A transportation network company,  
13 or a third party designated by the transportation network company,  
14 shall take reasonable measures to confirm the validity of the  
15 certificate, such as contacting the relevant court or government  
16 agency;

17 b. The applicant's or driver's driving record check reveals more  
18 than three moving violations in the prior three-year period, or one  
19 of the following violations in the prior three-year period:

- 20 (1) driving under the influence pursuant to R.S.39:4-50;  
21 (2) resisting arrest; eluding an officer pursuant to N.J.S.2C:29-2;  
22 (3) reckless driving pursuant to R.S.39:4-96;  
23 (4) driving with a suspended or revoked license pursuant to  
24 R.S.39:3-40; or  
25 (5) a violation committed in any other state, territory,  
26 commonwealth, or other jurisdiction of the United States that is  
27 comparable to one of the violations enumerated in paragraph (1),  
28 (2), (3), or (4) of this subsection;

29 c. The applicant or driver is a match in the United States  
30 Department of Justice's Dru Sjodin National Sex Offender Public  
31 Website;

32 d. The applicant or driver is not a holder of a valid basic  
33 driver's license;

34 e. The applicant or driver does not possess proof of valid  
35 vehicle registration for the driver's personal vehicle to be used to  
36 provide prearranged rides;

37 f. The applicant or driver does not possess proof of valid  
38 automobile liability insurance for the personal vehicle; or

39 g. The applicant or driver is under 21 years of age.  
40 (cf: P.L.2017, c.26, s.20)

41

42 3. This act shall take effect immediately.