

SENATE, No. 356

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator JEAN STANFIELD

District 8 (Atlantic, Burlington and Camden)

Assemblyman DANIEL R. BENSON

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District 37 (Bergen)

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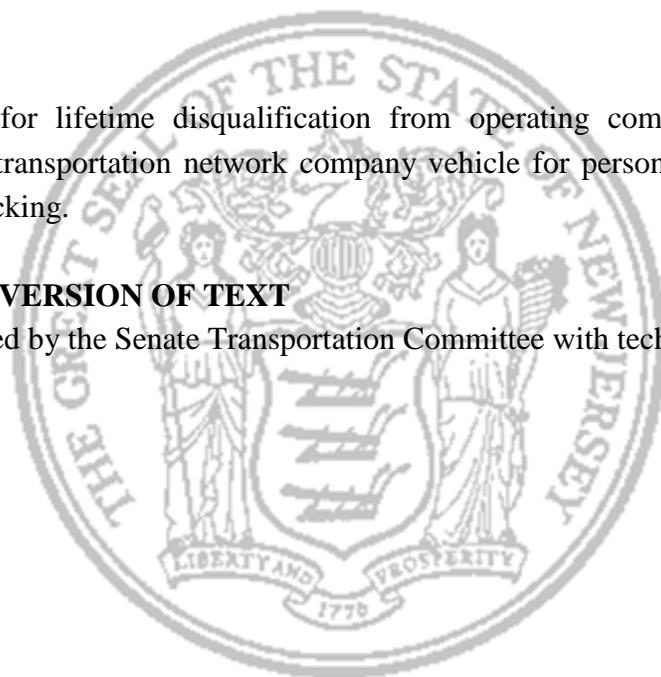
Senators Corrado, Greenstein, Pou, Assemblymen Simonsen, Space, Wirths, Assemblywoman McKnight, Assemblymen Karabinchak, Stanley, Assemblywomen Piperno, Eulner, Mosquera, Swain, Jasey and Park

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 Sjojin 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.