

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 1634**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 1, 2022

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 1634.

As amended and reported, this bill requires applicants to be transportation network company (TNC) drivers to provide information during the application process about other TNCs that the applicant has worked for and a statement on whether the applicant has been the subject of a sexual misconduct investigation in connection with the applicant's work as a TNC driver. The bill authorizes a TNC to ban drivers from accessing a TNC's digital network if the driver is the subject of an ongoing investigation into sexual misconduct allegations arising out of the driver's work as a TNC driver or if an investigation has been completed and has resulted in a finding that the driver engaged in sexual misconduct connected to the driver's role as a TNC driver. If the investigation results in inconclusive findings or in a finding that the allegations were false or the allegations are not substantiated, the TNC is authorized to consider the totality of the circumstances and to elect to prohibit the driver from utilizing the TNC's digital network, notwithstanding the results of the investigation.

A TNC that receives an allegation of sexual misconduct committed by a driver is required to notify each registered TNC in the State of the allegation, the status of any investigation, and the ultimate results or findings of the investigation. If the TNC becomes aware of a criminal investigation regarding the allegations, the TNC is required to notify each registered TNC of that information.

The bill prohibits the Attorney General from approving a criminal background check conducted by a TNC, or a third party designated by the TNC, unless the check includes a mechanism by which the TNC receives timely notice when any individual who the company allows to log on to the TNC's digital network as a TNC driver or to provide a prearranged ride as a TNC driver is arrested for or convicted of a crime or offense in this State after the initial criminal background check of the individual has been conducted.

The committee amendments to the bill:

(1) remove provisions that authorize law enforcement agencies to provide each registered TNC in the State with a record of arrest and

notification of conviction of a TNC driver for sexual misconduct if the sexual misconduct occurred during a prearranged ride; and

(2) prohibit the Attorney General from approving a criminal background check conducted by a TNC, or a third party designated by the TNC, unless the check includes a mechanism by which the TNC receives timely notice when any individual who the company allows to log on to the TNC's digital network as a TNC driver or to provide a prearranged ride as a TNC driver is arrested for or convicted of a crime or offense in this State after the initial criminal background check of the individual has been conducted.