

[First Reprint]

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

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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ADOPTED MAY 16, 2019

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**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 amended by the Senate on May 30, 2019.

(Sponsorship Updated As Of: 6/11/2019)

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

**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:

<sup>1</sup>Senate floor amendments adopted May 30, 2019.

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

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

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

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

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

32

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

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

47 b. (1) A transportation network company shall create an  
48 identifying marker which shall be submitted to the commission for

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

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

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

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

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

44 (2) A transportation network company driver shall display the  
45 credential placards on the driver and passenger side rear windows  
46 of the driver's personal vehicle at all times while the driver is  
47 logged on to the transportation network company's digital network  
48 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 <sup>1</sup>penalty fine<sup>1</sup> 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 <sup>1</sup>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.]<sup>1</sup>

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 Jersey  
24 Motor Vehicle Commission shall <sup>1</sup>**【create】** design<sup>1</sup> a uniform  
25 credential placard template<sup>1</sup> to be issued by a transportation network  
26 company, pursuant to subsection d. of section 23 of P.L.2017, c.26  
27 (C.39:5H-23), to every transportation network company driver that  
28 provides prearranged rides that originate in the State. The credential  
29 placard template<sup>1</sup>, which may be removable, shall be designed to<sup>1</sup>  
30 include the following information:

31 (1) the first name of the driver;

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

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

35 <sup>1</sup>The commission shall not be required to provide a digitized  
36 picture of the driver to the transportation network company or driver  
37 for purposes of this section.<sup>1</sup>

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

1 accordance with the requirements of the “Administrative Procedure  
2 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

3

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

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

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

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