

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:

<sup>1</sup>Senate 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 <sup>1</sup>[penalty] fine<sup>1</sup> 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 <sup>1</sup>[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.]<sup>1</sup>

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 <sup>1</sup>**create** design<sup>1</sup> a uniform  
34 credential placard template<sup>1</sup> 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 template<sup>1</sup>, which may be removable, shall <sup>1</sup>be designed to<sup>1</sup>  
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 <sup>1</sup>The 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.<sup>1</sup>

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.

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