

ASSEMBLY, No. 1371

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 14 (Mercer and Middlesex)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

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SYNOPSIS

Requires transportation network companies to share information concerning sexual misconduct investigation of driver; authorizes transportation network company to ban drivers from accessing digital network during and following investigation.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1371 BENSON, VAINIERI HUTTLE

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1 AN ACT concerning the safety of transportation network company
2 passengers and amending and supplementing P.L.2017, c.26.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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

9 2. As used in P.L.2017, c.26 (C.39:5H-1 et seq.):

10 "Applicant" means a person who applies to a transportation
11 network company to be a transportation network company driver.

12 "Chief Administrator" means the Chief Administrator of the New
13 Jersey Motor Vehicle Commission.

14 "Commission" means the New Jersey Motor Vehicle
15 Commission.

16 "Digital network" means any online-enabled technology
17 application, service, website, or system offered or utilized by a
18 transportation network company that enables the prearrangement of
19 rides between transportation network company riders and
20 transportation network company drivers.

21 "Division" means the Division of Consumer Affairs in the
22 Department of Law and Public Safety.

23 "Machine-readable code or image" means an optical label that
24 can be scanned using a special scanner or a personal mobile device
25 with a built-in camera.

26 "Personal vehicle" means a motor vehicle that is used by a
27 transportation network company driver to provide prearranged rides
28 and is owned, leased, or otherwise authorized for use by the
29 transportation network company driver. A personal vehicle shall
30 not be considered an autocab or taxi as defined in R.S.48:16-1, a
31 limousine as defined in R.S.48:16-13 or section 2 of P.L.1997,
32 c.356 (C.48:16-13.1), an autobus or jitney as defined in R.S.48:16-
33 23, a motor bus as defined in section 1 of P.L.1991, c.154 (C.17:28-
34 1.5), or any other for-hire vehicle. A personal vehicle shall not be
35 considered an automobile as defined in subsection a. of section 2 of
36 P.L.1972, c.70 (C.39:6A-2) while a transportation network
37 company driver is providing a prearranged ride.

38 "Prearranged ride" means the provision of transportation by a
39 transportation network company driver to a transportation network
40 company rider, beginning when a driver accepts a ride requested by
41 a rider through a digital network controlled by a transportation
42 network company, continuing while the driver transports a
43 requesting rider, and ending when the last requesting rider departs
44 from the personal vehicle. A prearranged ride shall not include
45 transportation provided using an autocab, taxi, limousine, autobus,

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 jitney, motor bus, or other for-hire vehicle. A prearranged ride
2 shall not include ridesharing, as defined in R.S.39:1-1.

3 “Sexual misconduct” means any verbal, nonverbal, written, or
4 electronic communication, or any other act directed toward or with
5 a rider that is designed to establish a sexual relationship with the
6 rider, including a sexual invitation, dating or soliciting a date,
7 engaging in sexual dialogue, making sexually suggestive comments,
8 self-disclosure or physical exposure of a sexual or erotic nature, and
9 any other sexual, indecent or erotic contact with a rider.

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

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

31 "Transportation network company rider" or "rider" means a
32 person who uses a transportation network company's digital
33 network to connect with a transportation network company driver to
34 receive a prearranged ride from the driver using the driver's
35 personal vehicle.

36 (cf: P.L.2019, c.128, s.1)

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38 2. Section 16 of P.L.2017, c.26 (C.39:5H-16) is amended to
39 read as follows:

40 16. a. A transportation network company shall require an
41 applicant, as defined in section 2 of P.L.2017, c.26 (C.39:5H-2), to
42 submit a transportation network company driver application to the
43 transportation network company. The application shall include the
44 applicant's address, age, and social security number, a copy of the
45 applicant's driver's license, motor vehicle registration, and
46 automobile liability insurance, a written statement in accordance
47 with subsection b. of this section, and any other information
48 required by the transportation network company.

1 b. The written statement required pursuant to subsection a. of
2 this section shall include:

3 (1) a list of any transportation network company for which the
4 applicant has ever served as a transportation network company
5 driver;

6 (2) a written statement as to whether the applicant has been the
7 subject of any sexual misconduct investigation in connection with
8 the applicant's work as a transportation network company driver or
9 has ever been disciplined or banned from accessing a digital
10 network by a transportation network company in relation to any
11 sexual misconduct allegation, unless an investigation resulted in a
12 finding that the allegations were false or the alleged incident of
13 sexual misconduct was not substantiated; and

14 (3) a written authorization that consents to and authorizes the
15 disclosure of information and release of related records by any other
16 transportation network companies pursuant to subsection c. of this
17 section and that releases those companies from liability that may
18 otherwise arise from disclosure or release of those records.

19 c. A transportation network company shall conduct a review of
20 any applicant who lists any other transportation network company
21 pursuant to paragraph (1) of subsection b. of this section by
22 contacting those transportation network companies and requesting
23 the following information:

24 (1) the range of dates between which the applicant utilized the
25 company's digital network as a transportation network company
26 driver;

27 (2) a statement as to whether the applicant has ever been the
28 subject of any sexual misconduct investigation in connection with
29 the applicant's work as a transportation network company driver or
30 has ever been disciplined or banned from accessing a digital
31 network by the transportation network company in relation to any
32 sexual misconduct allegation, unless an investigation resulted in a
33 finding that the allegations were false or the alleged incident of
34 sexual misconduct was not substantiated.

35 The review of the applicant's history may be conducted through
36 telephonic, electronic, or written communication. If the review is
37 conducted by telephone, the results of the review shall be
38 documented in writing by the transportation network company
39 conducting the review.

40 d. For the purposes of this section, any investigation into
41 alleged sexual misconduct that is ongoing at the time of the
42 application shall be revealed by a transportation network company
43 to the transportation network company conducting the review
44 required by subsection c. of this section.

45 (cf: P.L.2017, c.26, s.16)

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47 3. (New section) a. A transportation network company that
48 receives an allegation of sexual misconduct alleged to have been

1 committed by a driver that utilizes the transportation network
2 company's digital network shall notify each registered
3 transportation network company in the State of the allegation, the
4 status of any investigation into the allegation, and the ultimate
5 results or findings of the investigation into the allegation. If the
6 allegation results in the commencement of a criminal investigation
7 and the transportation network company is aware of the criminal
8 investigation, the transportation network company shall also notify
9 each registered transportation network company in the State of that
10 information.

11 b. Each transportation network company may prohibit the
12 driver from utilizing its digital network during the course of any
13 investigation into the allegations. If the investigation is completed
14 and results in a finding that the applicant or driver has engaged in
15 sexual misconduct connected to the applicant's or driver's role as a
16 transportation network company driver, a transportation network
17 company may prohibit the driver from utilizing its digital network.
18 If the investigation results in inconclusive findings or results in a
19 finding that the allegations were false or the alleged incident of
20 sexual misconduct was not substantiated, a transportation network
21 company may consider the totality of the circumstances and elect to
22 prohibit the driver from utilizing its digital network,
23 notwithstanding the results of the investigation.

24
25 4. (New section) Any law enforcement agency that has
26 arrested an individual for sexual misconduct who the law
27 enforcement agency knows or has reason to believe was providing a
28 prearranged ride as a transportation network company driver at the
29 time of the alleged misconduct may provide to each registered
30 transportation network company in the State a record of the arrest,
31 provided that the record is available to the general public. If the
32 individual is ultimately convicted of a crime arising out of the
33 alleged sexual misconduct, the law enforcement agency may notify
34 each registered transportation network company in the State.

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36 5. This act shall take effect immediately.

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STATEMENT

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41 This bill requires applicants to be transportation network
42 company (TNC) drivers to provide information during the
43 application process about other TNCs that the applicant has worked
44 for and a statement on whether the applicant has been the subject of
45 a sexual misconduct investigation in connection with the applicant's
46 work as a TNC driver. The bill authorizes a TNC to ban drivers
47 from accessing a TNC's digital network if the driver is the subject
48 of an ongoing investigation into sexual misconduct allegations

1 arising out of the driver's work as a TNC driver or if an
2 investigation has been completed and has resulted in a finding that
3 the driver engaged in sexual misconduct connected to the driver's
4 role as a TNC driver. If the investigation results in inconclusive
5 findings or in a finding that the allegations were false or the
6 allegations are not substantiated, the TNC is authorized to consider
7 the totality of the circumstances and to elect to prohibit the driver
8 from utilizing the TNC's digital network, notwithstanding the
9 results of the investigation.

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

17 The bill authorizes law enforcement agencies that have made an
18 arrest for sexual misconduct of an individual who is believed to be a
19 TNC driver, where the sexual misconduct occurred during a
20 prearranged ride, to provide each registered TNC in the State with a
21 record of the arrest. If the individual is ultimately convicted of a
22 crime arising out of the alleged sexual misconduct, the law
23 enforcement agency is authorized to notify each registered TNC in
24 the State.