

ASSEMBLY, No. 2425

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

SYNOPSIS

Exempts commercial driver license holders and applicants from certain requirements if fingerprinting and background check has been conducted within previous year by certain federal agencies.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning fingerprinting and criminal history record
2 background checks of applicants for certain commercial driver's
3 license endorsements and amending R.S.39:3-10.1 and P.L.2003,
4 c.13.

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

8
9 1. R.S.39:3-10.1 is amended to read as follows:
10 R.S.39:3-10.1 No person shall drive any motor vehicle or
11 trackless trolley with a capacity of more than six passengers used
12 for the transportation of passengers for hire or for the transportation
13 of passengers to or from summer day camps or summer residence
14 camps or any bus as defined by the chief administrator used for the
15 transportation of passengers, or any bus used to transport children
16 to and from school pursuant to N.J.S.18A:39-1 et seq. or when
17 being used by a private school to transport children to and from
18 school, unless specially licensed so to do by the chief administrator
19 or in the case of a nonresident, licensed pursuant to the laws of the
20 nonresident's state of residence with respect to the licensing of bus
21 drivers, except that this provision shall not apply to the operators of
22 vehicles used in ride-sharing arrangements, taxicabs, motor vehicles
23 with a capacity of more than six passengers, which are owned and
24 operated directly by businesses engaged in the practice of mortuary
25 science when those vehicles are used exclusively for providing
26 transportation related to the provision of funeral services and which
27 shall not be used in that capacity at any time to pick up or discharge
28 passengers to any airline terminal, train station, or other
29 transportation center, or for any purpose not directly related to the
30 provision of funeral services.

31 Such license shall not be granted by the chief administrator until
32 the applicant therefor is at least **[18]** 21 years of age and has passed
33 a satisfactory examination in ascertainment of the applicant's
34 driving ability and familiarity with the mechanism of said vehicle
35 and has presented evidence, satisfactory to the chief administrator
36 of the applicant's previous experience (including proof that the
37 applicant has had at least three years of driving experience), good
38 character, and physical fitness in the form of a medical examination
39 and accompanying medical certificate completed by a medical
40 examiner listed on the National Registry of Certified Medical
41 Examiners maintained by the Federal Motor Carrier Safety
42 Administration. The accompanying medical certificate shall
43 contain the medical examiner's National Registry of Certified
44 Medical Examiners number. **[Said]** The license shall be effective
45 until suspended or revoked by the chief administrator; provided, the

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 special licensee is also the holder of a license as provided for in
2 R.S.39:3-10.

3 The chief administrator shall require the fingerprinting of all
4 applicants for a special license issued pursuant to this section at the
5 initial application and upon renewal for any applicant who has not
6 previously submitted to fingerprinting, in order to determine
7 eligibility for the special license. Provided, however, that an
8 applicant who submits: documentation, as determined by the chief
9 administrator, showing that the applicant has submitted to a
10 criminal history record background check that includes the use of
11 fingerprints with the Federal Bureau of Investigation or the
12 Transportation Security Administration within the United States
13 Department of Homeland Security within the 12 months prior to the
14 date of the initial application or renewal; and the results of the
15 fingerprinting and criminal history record background check, shall
16 not be required to submit to fingerprinting or a criminal history
17 record background check at the time of the respective application or
18 renewal. The commission is hereby authorized to exchange
19 fingerprint data with, and receive criminal history record
20 information from, the Federal Bureau of Investigation, the Division
21 of State Police, and the Transportation Security Administration
22 within the United States Department of Homeland Security, for use
23 in determining eligibility.

24 Every holder of a special license issued pursuant to this section
25 shall furnish to the chief administrator satisfactory evidence of
26 continuing physical fitness in the form of a medical examination
27 and accompanying medical certificate completed by a medical
28 examiner listed on the National Registry of Certified Medical
29 Examiners maintained by the Federal Motor Carrier Safety
30 Administration, good character, and experience at the time of
31 application renewal or such other time as the chief administrator
32 may require, and in such form as the chief administrator may
33 require. In addition to the medical examination required of every
34 holder of a special license issued pursuant to this section, every
35 holder of a special license issued pursuant to this section for the
36 transporting of children to and from schools, pursuant to
37 N.J.S.18A:39-1 et seq.:

38 a. who is 70 years of age or older shall annually furnish to the
39 holder's employer for review by the commission at the
40 commission's biannual inspection satisfactory evidence of
41 continuing physical fitness in the form of a medical examination
42 completed by a licensed medical doctor or licensed osteopathic
43 physician; and

44 b. who is 75 years of age or older shall every six months
45 furnish to the holder's employer for review by the commission at
46 the commission's biannual inspection satisfactory evidence of
47 continuing physical fitness in the form of a medical examination
48 completed by a licensed medical doctor or osteopathic physician.

1 In addition, any person applying for a special license and any
2 person who is the holder of a special license pursuant to this section
3 for the transporting of children to and from schools, pursuant to
4 N.J.S.18A:39-1 et seq., shall comply with the provisions of section
5 2 of P.L.1975, c.284 (C.39:3-10.1a) and section 6 of P.L.1989,
6 c.104 (C.18A:39-19.1).

7 The chief administrator may suspend or revoke a license granted
8 under authority of this section for a violation of any of the
9 provisions of this subtitle, or on other reasonable grounds, or where,
10 in the chief administrator's opinion, the licensee is either physically
11 or morally unfit to retain the same. Notwithstanding the provisions
12 of any law to the contrary, the chief administrator shall, upon notice
13 of disqualification from the Commissioner of Education pursuant to
14 section 6 of P.L.1989, c.104 (C.18A:39-19.1), immediately revoke
15 the special license granted under authority of this section without
16 the necessity of a further hearing.

17 The chief administrator may make such rules and regulations as
18 the chief administrator may deem necessary to carry out the
19 provisions of this section.
20 (cf: P.L.2018, c.151, s.1)

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22 2. Section 34 of P.L.2003, c.13 (C.39:3-10.17a) is amended to
23 read as follows:

24 34. a. The commission shall require the fingerprinting of all
25 applicants for commercial driver's licenses with a hazardous
26 material endorsement, a tank vehicle endorsement, or both, at the
27 initial application and upon renewal for any applicant who has not
28 previously submitted to fingerprinting, in order to determine
29 eligibility for those endorsements. Provided, however, that an
30 applicant who submits: documentation, as determined by the chief
31 administrator, showing that the applicant has submitted to
32 fingerprinting and a criminal history record background check with
33 the Federal Bureau of Investigation or the Transportation Security
34 Administration within the United States Department of Homeland
35 Security within the 12 months prior to the date of the initial
36 application or renewal; and the results of the fingerprinting and
37 criminal history record background check, shall not be required to
38 submit to fingerprinting or a criminal history record background
39 check at the time of the respective application or renewal. The
40 commission is hereby authorized to exchange fingerprint data with,
41 and receive criminal history record information from the Federal
42 Bureau of Investigation **【and】**, the Division of State Police,
43 **【consistent with the provisions of Pub.L.92-544】** and the
44 Transportation Security Administration within the United States
45 Department of Homeland Security, for use in determining
46 eligibility. The commission shall require any person who, prior to
47 the date of enactment of **【this act】** P.L.2003, c.13 (C.39:2A-1 et
48 al.), has been issued a commercial driver's license with a hazardous

1 material endorsement, a tanker vehicle endorsement or both, to
2 undergo a criminal history record background check as a condition
3 to continue to hold, use and renew such an endorsement. No
4 criminal history record check shall be performed without the
5 applicant's written consent. The applicant shall bear the cost for the
6 criminal history record check, including all costs for administering
7 and processing the check. Failure or refusal to submit a disclosure
8 and fingerprints will result in an automatic disqualification.

9 b. Upon receipt of the criminal history record information, the
10 commission shall notify the applicant, in writing, of the applicant's
11 qualification or disqualification for a commercial driver's license
12 with a hazardous material endorsement, a tank vehicle endorsement
13 or both. If the applicant is disqualified, the basis for the
14 disqualification shall be identified in the written notice to the
15 applicant.

16 c. The applicant shall have 30 days from the postmarked date
17 of the written notice of disqualification to challenge the accuracy of
18 the criminal history record information. If no challenge is filed or if
19 the determination of the accuracy of the criminal history record
20 information upholds the disqualification, the applicant's
21 disqualification for a commercial driver's license, with a hazardous
22 material endorsement, a tank vehicle endorsement or both will
23 stand.

24 d. The commission, in a manner not inconsistent with
25 appropriate federal requirements, shall provide by regulation the
26 grounds upon which an applicant may be disqualified.

27 (cf: P.L.2003, c.13, s.34)

28
29 3. a. (New section) For a period of five years following the
30 effective date of P.L. , c. (C.) (pending before the
31 Legislature as this bill), the Chief Administrator of the New Jersey
32 Motor Vehicle Commission shall provide written notice to a
33 commercial driver's license holder, at least 60 days prior to the date
34 the holder is eligible to renew the holder's commercial driver's
35 license, informing the holder of the exemption from submitting to
36 fingerprinting and a criminal history record background check at the
37 time of renewal if the holder submits documentation to the chief
38 administrator that the holder has submitted to fingerprinting and a
39 criminal history record background check with the Federal Bureau
40 of Investigation or the Transportation Security Administration
41 within the United States Department of Homeland Security within
42 the 12 months prior to the date the holder is eligible to renew the
43 commercial driver's license.

44 b. The provisions of this section shall expire on the last day of
45 the fifth year following the effective date of P.L. c., (C.)
46 (pending before the Legislature as this bill).

47
48 4. This act shall take effect immediately.

STATEMENT

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3 This bill provides that an applicant for a passenger endorsement,
4 hazardous material endorsement, or tank vehicle endorsement to a
5 commercial driver's license (applicant), who submits
6 documentation to the New Jersey Motor Vehicle Commission
7 (MVC) showing that the applicant submitted to fingerprinting and a
8 criminal history record check with the Federal Bureau of
9 Investigation (FBI) or Transportation Security Administration
10 (TSA), within the 12 months prior to the date of the initial
11 application or renewal, is exempt from submitting to fingerprinting
12 and a criminal history background check at the time of the initial
13 application or renewal.
14 Under current law, an applicant is required to provide
15 fingerprints for a criminal history record check at the time of the
16 initial application or renewal.
17 The bill also requires the MVC, for a period of five years
18 following the enactment of this bill, to provide written notice to an
19 applicant at least 60 days prior to the date the applicant is eligible to
20 renew, to inform the applicant that the applicant is exempt from
21 submitting to fingerprinting and a criminal history record
22 background check at the time of renewal if the applicant provides
23 documentation to MVC showing that the applicant provided
24 fingerprints to and submitted to a criminal history record check with
25 the FBI or TSA within the 12 months prior to the date of the initial
26 application or renewal.