

SENATE, No. 4217

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED DECEMBER 2, 2021

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

SYNOPSIS

Provides for lifetime disqualification from operating commercial motor vehicle and transportation network company vehicle for persons convicted of human trafficking.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the lifetime disqualification from operating
2 commercial motor vehicles and transportation network company
3 vehicles for human trafficking convictions and amending
4 P.L.1990, c.103 and P.L.2017, c.26.

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

8
9 1. Section 12 of P.L.1990, c.103 (39:3-10.20) is amended to
10 read as follows:

11 12. a. In addition to the imposition of any other penalty
12 provided by law, the chief administrator shall suspend for not less
13 than one year nor more than three years the commercial motor
14 vehicle driving privilege of a person convicted for a first violation
15 of:

16 (1) R.S.39:4-50 if the motor vehicle was a commercial motor
17 vehicle or section 5 of this act.

18 (2) R.S.39:4-129 if the motor vehicle was a commercial motor
19 vehicle operated by the person.

20 (3) Using a commercial motor vehicle in the commission of any
21 "crime" as defined in subsection a., c., or d. of N.J.S.2C:1-4, except
22 in circumstances where harsher penalties are provided by this
23 section.

24 (4) Refusal to submit to a chemical test under section 2 of
25 P.L.1966, c.142 (C.39:4-50.2) or section 16 of this act if the motor
26 vehicle was a commercial motor vehicle.

27 (5) Paragraph (1) of subsection b. of section 10 of this act.

28 (6) A violation, arising in connection with a fatal accident, of
29 State or local law relating to motor vehicle traffic control, other
30 than a parking violation, regardless of whether the motor vehicle
31 operated by the person was a commercial motor vehicle or a non-
32 commercial motor vehicle.

33 b. If a first violation of any of the violations specified in
34 subsection a. of this section takes place while transporting
35 hazardous material or takes place in a vehicle displaying a
36 hazardous material placard, the chief administrator shall suspend
37 the commercial motor vehicle driving privilege of the person for
38 three years.

39 c. Subject to the provisions of subsection d. of this section, the
40 chief administrator shall revoke for life the commercial motor
41 vehicle driving privilege of a person for a second or subsequent
42 violation of any of the offenses specified in subsections a. and j. of
43 this section or any combination of those offenses arising from two
44 or more separate incidents.

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 d. The chief administrator may issue rules and regulations
2 establishing guidelines, including conditions under which a
3 revocation of commercial motor vehicle driving privilege for life
4 under subsection c. may be reduced to a period of not less than 10
5 years.

6 e. Notwithstanding any other provision of law to the contrary,
7 the chief administrator shall revoke for life the commercial motor
8 vehicle driving privilege of a person who uses a commercial motor
9 vehicle or a non-commercial motor vehicle in the commission of a
10 crime involving the manufacture, distribution, or dispensing of a
11 controlled substance or controlled substance analog, or possession
12 with intent to manufacture, distribute, or dispense a controlled
13 substance or controlled substance analog.

14 Notwithstanding any other provision of law to the contrary, the
15 chief administrator shall revoke for life the commercial motor
16 vehicle driving privilege of a person who is convicted of a crime
17 involving an act or practice described in N.J.S.2C:13-8 or involving
18 an act or practice of one or more of the severe forms of trafficking
19 in persons as described in paragraph (11) of 22 U.S.C. 7102, the
20 federal "Trafficking Victims Protection Act of 2000."

21 A revocation under this subsection shall not be subject to
22 reduction in accordance with subsection d. of this section.

23 f. (1) The chief administrator shall suspend the commercial
24 motor vehicle driving privilege of a person for a period of not less
25 than 60 days if the person is convicted of a serious traffic violation,
26 other than a violation arising in connection with a fatal accident as
27 set forth in paragraph (6) of subsection a. of this section, and that
28 conviction constitutes the second serious traffic violation
29 committed in a commercial motor vehicle or non-commercial motor
30 vehicle in this or any other state arising from separate incidents
31 occurring within a three-year period. The chief administrator shall
32 suspend the commercial motor vehicle driving privilege for 120
33 days if the conviction constitutes the third or subsequent serious
34 traffic violation, other than a violation arising in connection with a
35 fatal accident as set forth in paragraph (6) of subsection a. of this
36 section, committed in a commercial motor vehicle or non-
37 commercial motor vehicle in this or any other state arising from
38 separate incidents occurring within a three-year period.

39 (2) The chief administrator shall suspend the commercial motor
40 vehicle driving privilege of a person for a period of not less than 60
41 days if the person is convicted of a violation of R.S.39:4-128;
42 section 68 of P.L.1951, c.23 (C.39:4-127.1); or section 10 of
43 P.L.2005, c.147 (C.39:4-128.11). The chief administrator shall
44 suspend the commercial motor vehicle driving privilege for not less
45 than 120 days if the conviction constitutes the second violation of
46 R.S.39:4-128; section 68 of P.L.1951, c.23 (C.39:4-127.1); section
47 10 of P.L.2005, c.147 (C.39:4-128.11) or any combination of such
48 violations in this or any other state arising from separate incidents

1 occurring within a three-year period. The chief administrator shall
2 suspend the commercial motor vehicle driving privilege for not less
3 than one year if the conviction constitutes the third or subsequent
4 violation of R.S.39:4-128; section 68 of P.L.1951, c.23 (C.39:4-
5 127.1); section 10 of P.L.2005, c.147 (C.39:4-128.11) or any
6 combination of such violations in this or any other state arising
7 from separate incidents occurring within the past three years.

8 (3) The chief administrator shall suspend the commercial motor
9 vehicle driving privilege of a person for a period of not less than
10 180 days or more than one year if the person is convicted of
11 violating a driver, commercial motor vehicle, or motor carrier
12 operation out-of-service order while driving a commercial motor
13 vehicle transporting nonhazardous materials. The chief
14 administrator shall suspend the commercial motor vehicle driving
15 privilege of a person for a period of not less than two years or more
16 than five years if the conviction constitutes the second conviction in
17 a separate incident in this or any other state within a 10-year period
18 of violating a driver, commercial motor vehicle, or motor carrier
19 operation out-of-service order while driving a commercial motor
20 vehicle transporting nonhazardous materials. The chief
21 administrator shall suspend the commercial motor vehicle driving
22 privilege of a person for a period of not less than three years or
23 more than five years if the conviction constitutes the third or
24 subsequent conviction in a separate incident in this or any other
25 state within a 10-year period of violating a driver, commercial
26 motor vehicle, or motor carrier operation out-of-service order while
27 driving a commercial motor vehicle transporting nonhazardous
28 materials.

29 (4) The chief administrator shall suspend the commercial motor
30 vehicle driving privilege of a person for a period of not less than
31 180 days or more than two years if the person is convicted of
32 violating a driver, commercial motor vehicle, or motor carrier
33 operation out-of-service order while driving a commercial motor
34 vehicle transporting hazardous materials required to be placarded
35 under Subpart F of 49 C.F.R. s.172, or while operating a vehicle
36 designed to transport 16 or more passengers, including the driver.
37 The chief administrator shall suspend the commercial motor vehicle
38 driving privilege of a person for a period of not less than three years
39 or more than five years if the conviction constitutes a second or
40 subsequent conviction in a separate incident within a 10-year period
41 in this or any other state of violating a driver, commercial motor
42 vehicle, or motor carrier operation out-of-service order while
43 driving a commercial motor vehicle transporting hazardous
44 materials required to be placarded under Subpart F of 49 C.F.R.
45 s.172, or while operating a vehicle designed to transport 16 or more
46 passengers, including the driver.

47 g. A court shall make a report to the chief administrator within
48 three days in such form as the chief administrator may require

1 concerning conviction for any violation **【of】** or crime listed or
2 described in P.L.1990, c.103 (C.39:3-10.9 et seq.). The chief
3 administrator shall notify the Commercial Driver License
4 Information System of the suspension, revocation, or cancellation.
5 In the case of non-residents, the chief administrator also shall notify
6 the licensing authority of the state which issued the commercial
7 driver license or the state where the person is domiciled. The chief
8 administrator shall provide these notices within 10 days after the
9 suspension, revocation, cancellation, or disqualification.

10 h. The chief administrator shall in accordance with this section
11 suspend a commercial motor vehicle driving privilege of a person
12 holding, or required to hold, a commercial driver license issued by
13 this State if the person is convicted in another state or foreign
14 jurisdiction of an offense of a substantially similar nature to the
15 offenses specified in subsection a., e., f., g., h., i. or j. of this
16 section. For purposes of this section, a violation such as driving
17 while intoxicated, driving under the influence, or driving while
18 ability is impaired shall be considered substantially similar
19 offenses. For purposes of this section, a violation committed in
20 another state but substantially similar to those enumerated in
21 subsection a., e., f., g., h., i. or j. of this section committed in this
22 State shall be included.

23 i. Notwithstanding any other provision of law to the contrary,
24 a conviction under this section, or section 5 or 16 of **【this act】**
25 P.L.1990, c.103 (C.39:3-10.13 or C.39:3-10.24), shall not merge
26 with a conviction for a violation of R.S.39:4-50 or section 2 of
27 P.L.1966, c.142 (C.39:4-50.2).

28 j. In addition to any other penalty provided by law, the chief
29 administrator shall suspend for one year the commercial motor
30 vehicle driving privilege of a person for a first violation of:

31 (1) R.S.39:4-50 while operating a non-commercial motor
32 vehicle;

33 (2) R.S.39:4-129 while operating a non-commercial motor
34 vehicle;

35 (3) Refusing to submit to a chemical test under section 2 of
36 P.L.1966, c.142 (C.39:4-50.2) while operating a non-commercial
37 motor vehicle; or

38 (4) Using a non-commercial motor vehicle in the commission of
39 any "crime" as defined in subsection a., c., or d. of N.J.S.2C:1-4.

40 k. The chief administrator shall in accordance with this section
41 suspend the commercial motor vehicle driving privilege of a person
42 holding, or required to hold, a commercial driver license issued by
43 this State if that person has been disqualified from operating a
44 commercial motor vehicle by the Federal Motor Carrier Safety
45 Administration pursuant to 49 C.F.R. s.383.52 because that person's
46 driving has been determined to constitute an imminent hazard.

47 l. The New Jersey Motor Vehicle Commission shall maintain
48 records of accidents, convictions, and disqualification for persons

1 holding, or required to hold, a commercial driver license in
2 accordance with 49 C.F.R. s.384.225 and the AAMVAnet, Inc.'s
3 "Commercial Driver License Information System State Procedures,"
4 as amended and supplemented.

5 m. Any driver who is found to be in violation of the provisions
6 of paragraph (a) or (b) of 49 C.F.R. s.392.5, relating to the use of
7 alcohol, being under the influence of alcohol, having any measured
8 alcohol concentration or detected presence of alcohol, or possessing
9 alcohol, shall be placed out-of-service immediately for a period of
10 24 hours.

11 (cf: P.L.2009, c.271, s.3)

12
13 2. Section 20 of P.L.2017, c.26 (C.39:5H-20) is amended to
14 read as follows:

15 20. An applicant or driver shall be prohibited from utilizing the
16 transportation network company's digital network as a
17 transportation network company driver or from providing a
18 prearranged ride as a transportation network company driver if:

19 a. The applicant or driver has been convicted of one or more of
20 the following crimes:

21 (1) In New Jersey, any crime as follows: aggravated assault,
22 arson, burglary, escape, extortion, homicide, kidnapping, robbery,
23 aggravated sexual assault, sexual assault, or endangering the
24 welfare of a child pursuant to N.J.S.2C:24-4, whether or not armed
25 with or having possession of any weapon enumerated in subsection
26 r. of N.J.S.2C:39-1, human trafficking pursuant to N.J.S.2C:13-8 or
27 any crime involving an act or practice of one or more of the severe
28 forms of trafficking in persons as described in paragraph (11) of 22
29 U.S.C. 7102, the federal "Trafficking Victims Protection Act of
30 2000," a crime pursuant to the provisions of N.J.S.2C:39-3,
31 N.J.S.2C:39-4, or N.J.S.2C:39-9, or other than a disorderly persons
32 or petty disorderly persons offense for the unlawful use, possession
33 or sale of a controlled dangerous substance as defined in
34 N.J.S.2C:35-2.

35 (2) In any other state, territory, commonwealth, or other
36 jurisdiction of the United States, as a result of a conviction in a
37 court of competent jurisdiction, a crime which in that other
38 jurisdiction is comparable to one of the crimes enumerated in
39 paragraph (1) of this subsection.

40 If an applicant or driver who has been convicted of one of the
41 crimes enumerated in paragraph (1) or (2) of this subsection
42 produces a valid certificate of rehabilitation issued pursuant to
43 section 2 of P.L.2007, c.327 (C.2A:168A-8) or, if the criminal
44 offense occurred outside the State, an equivalent certificate from the
45 jurisdiction where the criminal offense occurred, the criminal
46 offense shall not disqualify the applicant or driver from accessing
47 the transportation network company's digital network as a
48 transportation network company driver or from providing

1 prearranged rides as a transportation network company driver,
2 except that this provision shall not apply to an applicant or driver
3 who has been convicted of human trafficking pursuant to
4 N.J.S.2C:13-8, any crime involving an act or practice of one or
5 more of the severe forms of trafficking in persons as described in
6 paragraph (11) of 22 U.S.C. 7102, the federal “Trafficking Victims
7 Protection Act of 2000,” or a comparable crime in another
8 jurisdiction. A transportation network company, or a third party
9 designated by the transportation network company, shall take
10 reasonable measures to confirm the validity of the certificate, such
11 as contacting the relevant court or government agency;

12 b. The applicant's or driver's driving record check reveals more
13 than three moving violations in the prior three-year period, or one
14 of the following violations in the prior three-year period:

15 (1) driving under the influence pursuant to R.S.39:4-50;

16 (2) resisting arrest; eluding an officer pursuant to N.J.S.2C:29-2;

17 (3) reckless driving pursuant to R.S.39:4-96;

18 (4) driving with a suspended or revoked license pursuant to
19 R.S.39:3-40; or

20 (5) a violation committed in any other state, territory,
21 commonwealth, or other jurisdiction of the United States that is
22 comparable to one of the violations enumerated in paragraph (1),
23 (2), (3), or (4) of this subsection;

24 c. The applicant or driver is a match in the United States
25 Department of Justice's Dru Sjodin National Sex Offender Public
26 Website;

27 d. The applicant or driver is not a holder of a valid basic
28 driver's license;

29 e. The applicant or driver does not possess proof of valid
30 vehicle registration for the driver's personal vehicle to be used to
31 provide prearranged rides;

32 f. The applicant or driver does not possess proof of valid
33 automobile liability insurance for the personal vehicle; or

34 g. The applicant or driver is under 21 years of age.

35 (cf: P.L.2017, c.26, s.20)

36
37 3. This act shall take effect immediately.
38
39

40 STATEMENT

41
42 This bill establishes a lifetime disqualification from operating a
43 commercial motor vehicle or transportation network company
44 vehicle for any individual convicted of human trafficking under
45 New Jersey law, any crime involving an act or practice of one or
46 more of the severe forms of trafficking in persons under the federal
47 “Trafficking Victims Protection Act of 2000”, or any comparable
48 crime in another jurisdiction.